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8 Attorneys for Plaintiff
9 PHILIP SMITH

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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

PHILIP SMITH, an individual,
Plaintiff,
v.
RYAN COMPTON, an individual;
NOEL ANDREWS, an individual;
MONA VOGEL, an individual; and
DOES 1-10, inclusive,
Defendants.

Case No.: 2:22-cv-08439-MWF-PLA

**DECLARATION OF DANIEL A.
CRAWFORD, ESQ., IN OPPOSITION
TO DEFENDANT NOEL ANDREWS'
MOTION TO DISMISS (ANTI-SLAPP)**

Hearing Date: January 23, 2023
Time: 10:00 AM
Courtroom: 5A

I, Daniel A. Crawford, hereby declare as follows:

1. I am an attorney licensed to practice before the above-named Court. I am one attorney of record for Plaintiff Philip Smith in the above-entitled case.
2. The matters stated herein are within my personal knowledge, and I believe I could testify to these matters competently.
3. Attached hereto as Exhibit 1 is a true and correct copy of the REPORTER'S TRANSCRIPT OF PROCEEDINGS from Tuesday, September 20, 2022, in the case of *Philip Smith v. Ryan Compton*, Los Angeles Superior Court Case No. 22STRO04032. The transcribed hearing was for Plaintiff's application for a domestic

1 violence restraining order (“DVRO”), and includes the testimony of Defendant Ryan
2 Compton. We obtained the transcript directly from the court reporter, Kim
3 Yokoyama.

4 4. Several portions of the transcript are highlighted or bracketed. That was done
5 by my office to highlight sections of the testimony relevant to this motion.

6 5. I have been practicing law in California, primarily as a civil litigator, for over
7 25 years. I am a 1996 graduate of the Georgetown University Law Center. In
8 addition to the above-named Court and all courts of the State of California, I am
9 admitted to practice before all federal district courts in California, several federal
10 district courts elsewhere in the country, the Ninth Circuit Court of Appeals, and the
11 United States Supreme Court.

12 6. My usual hourly rate and my contracted rate for work on this case is \$500/hour.

13 7. Based on my experience with numerous attorneys in Los Angeles County, and
14 the declared rates of such attorneys in court filings, I believe that my hourly rate is
15 reasonable, and even well below the market rate, for attorneys in Los Angeles with
16 experience similar to mine who are in private practice and outside the context of
17 insurance defense. In my best recollection, the last time I was awarded fees by a
18 court, it was in approximately 2018 at a rate of \$450/hour. In March 2022, I
19 represented clients prevailing on an anti-SLAPP motion in the case of *Montilla v.*
20 *Purnell*, Los Angeles Superior Court Case No. 21CHCV00717. In that case,
21 however, opposing counsel agreed to settle the issue of our clients’ attorney’s fees
22 informally, remitting \$21,000 for our work charged at a rate of \$500/hour. However,
23 because the issue was resolved informally, there was no award from the court.

24 8. In the present case, I have spent in excess of 35 hours preparing the papers
25 opposing Defendant Andrews’ motion to dismiss Plaintiff’s complaint, including
26 researching and drafting the opposing memorandum of points and authorities, the
27 objections to evidence, Plaintiffs’ declaration and this declaration. In addition, I
28

1 anticipate spending not less than five (5) more hours reviewing Defendant's reply
2 brief and researching the points and authorities therein, and preparing for the hearing,
3 and not less than two (2) hours to attend the hearing on Defendant Andrews' motion.

4 9. Additionally, my co-counsel, Roza Crawford, has spent in excess of six (6)
5 hours conducting legal research and editing the memorandum of points and
6 authorities, all as part of the effort to oppose Defendant Andrews' motion.

7 10. Mrs. Crawford has been practicing law for approximately 20 years and is a
8 graduate of Boalt Hall School of Law at U.C. Berkeley in 2000. Her usual hourly
9 rate and her contracted rate for this case is also \$500/hour, which is reasonable and
10 below the market rate for attorneys of her experience practicing outside the context of
11 insurance defense.

12 11. On behalf of Plaintiff, we will also incur a filing fee of approximately \$10.50
13 to file the opposition papers through the ECF system, and a parking fee of
14 approximately \$20.00 to attend the hearing on the motion, for costs of \$30.50.

15 12. Because Mrs. Crawford and I will spend in excess of 48 hours opposing
16 Defendant Andrews' motion, at a rate of \$500/hour, Plaintiff will incur attorneys'
17 fees in excess of \$24,000. Adding costs of \$30.50, Plaintiff will incur total attorneys'
18 fees and costs of \$24,030.50 opposing Defendant Andrews' motion.

19 I certify under penalty of perjury under the laws of the United States that the
20 foregoing is true and correct. Executed in Los Angeles, California, on January 4,
21 2023.

22 
23 DANIEL A. CRAWFORD, Esq.

Exhibit 1

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 FOR THE COUNTY OF LOS ANGELES
3 DEPARTMENT ST22 HON. MICHAEL R. POWELL, JUDGE
4
5 PHILIP SMITH,)
6 PETITIONER,)
7 VS.) NO. 22STRO04032
8 RYAN COMPTON,)
9 RESPONDENT.)
10 _____
11
12
13 REPORTER'S TRANSCRIPT OF PROCEEDINGS
14 TUESDAY, SEPTEMBER 20, 2022
15
16 APPEARANCES:
17 FOR PETITIONER: ZITSER FAMILY LAW GROUP, APC
BY: TERA LEE, ESQ.
1901 AVENUE OF THE STARS
SUITE 1100
LOS ANGELES, CALIFORNIA 90067
18
19
20
21 FOR RESPONDENT: IN PROPRIA PERSONA
22
23
24
25
26 KIM J. YOKOYAMA, CSR NO. 12617
OFFICIAL REPORTER
27
28

I N D E X

WITNESS

DIRECT

CROSS

REDIRECT

RE CROSS

RYAN COMPTON

3

NATHANIEL DEMONT

32

EXHIBITS

(EXHIBITS 2, 10, 11, 12, 13, 14, 15, 16,
17, 18, 19, 21, 22, 24, 25, 28, 31, 34, 35,
36, 38, 34, 35, 36, 38, 39, 42, 44, 45, 47,
AND 48 ARE MARKED AND ADMITTED INTO EVIDENCE.)

(SEE BELOW FOR DESCRIPTIONS.)

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1 CASE NUMBER: 22STRO04032
2 CASE NAME: IN THE MATTER OF SMITH V. COMPTON
3 LOS ANGELES, CA SEPTEMBER 20, 2022
4 DEPARTMENT ST22 HON. MICHAEL R. POWELL, JUDGE
5 REPORTER: KIM J. YOKOYAMA, CSR NO. 12617
6 TIME: 9:24 A.M.
7 APPEARANCES: (AS HERETOFORE NOTED.)
8

9 THE COURT: COURT'S CALLING MATTER NUMBER 13,
10 22STRO04032, SMITH VERSUS COMPTON.

11 IF I COULD HAVE THE PARTIES PLEASE LISTEN TO
12 MY JUDICIAL ASSISTANT AND TAKE THE OATH OR AFFIRMATION,
13 PLEASE.

14 THE CLERK: RAISE YOUR RIGHT HAND, PLEASE.

15 DO YOU AND EACH OF YOU SOLEMNLY STATE THE
16 TESTIMONY YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE
17 THIS COURT SHALL BE THE TRUTH, THE WHOLE TRUTH, AND
18 NOTHING BUT THE TRUTH, SO HELP YOU GOD?

19 THE PETITIONER: YES.

20 THE RESPONDENT: YES.

21 THE COURT: MR. LEE, MAY I HAVE YOUR APPEARANCE,
22 PLEASE?

23 MR. LEE: YES. GOOD MORNING, YOUR HONOR.

24 ATTORNEY, TERA LEE, FROM THE ZITSER FAMILY
25 LAW GROUP ON BEHALF OF PETITIONER, MR. PHILIP SMITH.

26 THE COURT: THANK YOU VERY MUCH.

27 THIS MATTER IS HERE FOR A CONTINUATION OF
28 THE CIVIL HARASSMENT RESTRAINING ORDER.

1 MR. LEE, WE HAD LEFT OFF, I BELIEVE, WITH
2 THE EXAMINATION OF MR. SMITH.

3 IS THERE ANYTHING THAT WE NEED TO ADDRESS
4 BEFORE WE RESUME?

5 MR. LEE: NOTHING TO ADDRESS, YOUR HONOR. BUT YOU
6 WERE STILL INQUIRING AS TO MR. COMPTON.

7 THE COURT: OH, YOU'RE RIGHT. WE WERE SPEAKING
8 WITH MR. COMPTON.

9 MR. COMPTON, LET ME PULL UP MY PAPERWORK
10 HERE AND I WANTED TO MAKE SURE ABOUT SOME THINGS BEFORE
11 I TURN THIS OVER TO MR. LEE.

12 MR. COMPTON, WHEN DID YOU FILE OR MAKE YOUR
13 STATEMENT OF PROBABLE CAUSE IN NEW JERSEY? WHAT DATE
14 WAS THAT?

15 THE WITNESS: IT WAS AROUND AUGUST 8TH.

16 THE COURT: OKAY. AND CAN YOU EXPLAIN TO ME,
17 BECAUSE I'M UNFAMILIAR WITH NEW JERSEY LAW, ABOUT THE
18 FILING OF THAT? IS THAT SOMETHING THAT WAS -- YOU MADE
19 A COMPLAINT TO THE POLICE DEPARTMENT ABOUT THAT? OR WAS
20 THAT SOMETHING IN WHICH YOU, THE POLICE HAD INVESTIGATED
21 AND THEY'RE CHARGING MR. SMITH?

22 THE WITNESS: SO I WAS APPROACHED BY ROWAN
23 UNIVERSITY POLICE WHERE I WORK. AND THEY WERE INQUIRING
24 ABOUT MR. SMITH CONTINUALLY CONTACTING MY PLACE OF WORK,
25 SAYING THAT HE HAD CONTINUALLY -- CONTINUOUSLY BEEN
26 MAKING ALLEGATIONS. AND THEY BECAME ESCALATING TO THE
27 POINT WHERE HE WAS BECOMING ALARMING, STATING THAT I HAD
28 GUNS. HE HAD A RESTRAINING ORDER ISSUED AGAINST ME AND

1 IMPLYING THAT I WOULD BE A THREAT ON CAMPUS.

2 SO THEY INQUIRED TO ME THAT IF -- ABOUT HIM,
3 CONCERNS THAT HE MIGHT SHOW UP TO CAMPUS AND DO
4 SOMETHING TO ME. THEY REFERRED ME TO ROWAN -- I'M
5 SORRY, GO OUT FOR THE TOWN IN WHICH THE SCHOOL IS, TO
6 FILE A CRIMINAL HARASSMENT COMPLAINT.

7 THE COURT: OKAY, ALL RIGHT. AND THEN YOU FILED
8 THAT SUBSEQUENT TO THEM TELLING YOU ABOUT THIS?

9 THE WITNESS: CORRECT.

10 THE COURT: OKAY. COUNSEL, YOU CAN GO AHEAD AND
11 YOU CAN MAKE YOUR INQUIRY.

12 MR. LEE: THANK YOU, YOUR HONOR.

13 THE COURT: YOU'RE WELCOME.

14

15 DIRECT EXAMINATION

16 BY MR. LEE:

17 Q MR. COMPTON, I JUST WANT TO CONFIRM SOME
18 BASIC INFORMATION. COULD YOU PLEASE STATE YOUR ADDRESS?

19 A 815 SUNSET DRIVE, SUMMERVILLE, NEW JERSEY
20 [TECHNICAL DIFFICULTY] --

21 Q AND HOW LONG HAVE YOU RESIDED THERE?

22 A APPROXIMATELY 30 YEARS.

23 Q AND COULD YOU PLEASE STATE YOUR TELEPHONE
24 NUMBER?

25 A (609) 922-1423.

26 Q AND APPROXIMATELY, HOW LONG HAVE YOU HAD
27 THAT TELEPHONE NUMBER?

28 A OVER 15 OR 16 YEARS.

1 Q AND COULD YOU PLEASE STATE YOUR EMAIL
2 ADDRESS?

3 A RYANCOMP@GMAIL.COM.

4 Q AND APPROXIMATELY HOW LONG HAVE YOU USED AND
5 MAINTAINED THAT EMAIL ADDRESS?

6 A SINCE APPROXIMATELY 2008.

7 Q NOW, AT ANY POINT IN TIME, WERE YOU AWARE OF
8 ANY PERSON, ENTITY, OR OTHERWISE USING YOUR TELEPHONE
9 NUMBER AS IF THEY WERE YOU, BUT IT, IN FACT, WAS NOT
10 YOU?

11 A NO.

12 Q AND AT ANY POINT IN TIME, DID YOU BECOME
13 AWARE OF SOMEONE OR SOME ENTITY USING THE
14 RYANCOMP@GMAIL.COM EMAIL FOR PURPOSES OTHER THAN
15 YOURSELF?

16 A NO.

17 Q AND HAVE YOU HAD EXCLUSIVE USE, CONTROL, AND
18 MANAGEMENT OF BOTH YOUR TELEPHONE NUMBER AND EMAIL?

19 A YES.

20 Q AND SO NO ONE ELSE HAS ACCESS TO THESE ITEMS
21 AS FAR AS --

22 A NOT THAT I'M AWARE OF.

23 Q NOW, IN YOUR RESPONSE, YOU WRITE THAT "I
24 HAVE NEVER HACKED ANYONE IN ANY WAY." COULD YOU PLEASE
25 DEFINE "HACK" AS YOU USE IT IN YOUR STATEMENT?

26 A [TECHNICAL DIFFICULTY] UNAUTHORIZED ACCESS
27 TO ANYONE ELSE'S ACCOUNTS, DEVICES.

28 Q SO, FOR INSTANCE, WHEN YOU SAY

1 "UNAUTHORIZED" USE WITHOUT THEIR CONSENT, WOULD THAT BE
2 FAIR?

3 A YES.

4 Q AND WOULD THAT ALSO INVOLVE CHANGING PRIMARY
5 EMAILS FOR ACCOUNTS TO DIFFERENT EMAILS?

6 A I DON'T UNDERSTAND.

7 Q SO WHEN YOU SAY, "I HAVE NEVER HACKED ANYONE
8 IN ANY WAY," WOULD THAT ENCOMPASS THE SITUATION WHERE
9 SOMEONE'S PRIMARY EMAIL WAS CHANGED TO A DIFFERENT EMAIL
10 THAT WAS NOT THEIRS FOR SOME ACCOUNT, FOR INSTANCE, LIKE
11 DROPBOX?

12 A I'M STILL HAVING A HARD TIME FOLLOWING. ARE
13 YOU TALKING ABOUT -- ARE YOU REFERRING TO ACCESSING THE
14 ACCOUNT TO CHANGE THE PRIMARY EMAIL ADDRESS?

15 Q THAT'S CORRECT.

16 A I MEAN UNAUTHORIZED ACCESS TO THE ACCOUNT TO
17 BEGIN WITH THE CHANGE, YES. THEN, YES.

18 THE COURT: I'M SORRY, I'M CONFUSED. IS IT YES,
19 YOU HAVE DONE THIS, OR YES, I HAVE NOT DONE THIS?

20 THE WITNESS: YES. I CONSIDER THAT HACKING,
21 UNAUTHORIZED ACCESS TO TO AN ACCOUNT IN ORDER TO CHANGE
22 THE PRIMARY EMAIL ADDRESS.

23 THE COURT: OKAY, THANK YOU.

24 Q BY MR. LEE: NOW, WOULD YOU CONSIDER HACKING
25 TO BE SETTING UP ACCOUNTS THAT HAVE VERY CLOSE
26 APPROXIMATIONS TO PREEXISTING ACCOUNTS WITH NAMES THAT
27 ARE SIMILAR, BUT FOR ONE DIGIT OR LETTER?

28 A NO.

1 Q AND WOULD YOU CONSIDER HACKING TO INCLUDE
2 SETTING UP ALTERNATIVE ACCOUNTS, THE POSTINGS
3 ANONYMOUSLY?

4 A NO.

5 Q NOW, IN TERMS OF THE PROTONMAIL ACCOUNTS,
6 THE SWAMPDUST@PROTONMAIL.COM ACCOUNT, WHAT PROMPTED YOU
7 OR CAUSED YOU TO START USING A PROTONMAIL ACCOUNT AS
8 OPPOSED TO SAY GMAIL AND YAHOO, ET CETERA?

9 A NO PARTICULAR REASON.

10 Q AND JUST IN TERMS OF LOGGING INTO YOUR
11 PROTONMAIL ACCOUNT, HOW MANY PASSWORDS DO YOU HAVE TO
12 ENTER TO ACCESS THAT ACCOUNT?

13 A ONE.

14 Q AND HAS ANYONE, TO YOUR KNOWLEDGE, GAINED
15 ACCESS, UNAUTHORIZED ACCESS TO YOUR PROTONMAIL ADDRESS?

16 A NOT THAT I'M AWARE OF.

17 Q AND WOULD YOU SAY YOU HAVE EXCLUSIVE USE AND
18 CONTROL OVER THIS ACCOUNT?

19 A YES.

20 Q NOW, YOU SAY IN YOUR RESPONSE THAT YOU
21 STARTED USING THE SWAMPDUST ACCOUNT IN MARCH OF 2021 TO
22 SCRUB ANY OF MY INFORMATION THAT HAD TIES TO GOLDFINCH
23 GUITARS ON PUBLIC RECORDS; IS THAT ACCURATE?

24 A YES.

25 Q COULD YOU PLEASE DEFINE "SCRUB ANY
26 INFORMATION"?

27 A I USED SERVICES -- THERE'S ONE CALLED
28 "DELETE ME" THAT WILL GO THROUGH AND TAKE -- YOU KNOW,

1 PUT INQUIRIES TO REMOVE PUBLIC INFORMATION ON MY BEHALF.
2 I USED AN EMAIL TO USE THAT SERVICE.

3 Q NOW, DID YOU USE THIS EMAIL FOR ANY OTHER
4 PURPOSES?

5 A YEAH, I USED IT TO -- I WOULD USE IT TO SIGN
6 UP FOR FREE TRIALS.

7 Q DID YOU ALSO USE THE EMAIL TO COMMUNICATE
8 WITH PEOPLE OR KNOWN ASSOCIATES OF MR. SMITH?

9 A YEAH, AND OTHER PEOPLE.

10 Q DO YOU RECALL EMAILING MONA VOGEL IN MARCH
11 OF 2021?

12 A YES.

13 Q WHAT PROMPTED YOU TO DO THAT?

14 A I WAS -- IN MARCH OF 2021, I WAS GIVEN A
15 RECORDING FROM MULTIPLE INDIVIDUALS FROM HIGH SCHOOL AND
16 GIVEN STORIES ABOUT MR. SMITH. AND I HAD A GUILTY
17 CONSCIOUS IF I DIDN'T ADVISE HER.

18 Q HOW DID YOU KNOW ABOUT MONA VOGEL?

19 A I DON'T RECALL.

20 Q SO BASED ON YOUR OWN RESPONSE, YOU HADN'T
21 HAD ANY COMMUNICATION OR CONTACT WITH MR. SMITH IN, I
22 BELIEVE, IT WAS APRIL OF 2018?

23 A CORRECT.

24 Q YET, IN MARCH OF 2021, YOU BECOME AWARE OF
25 WHO HE'S DATING AND YOU HAVE A GUILTY CONSCIOUS ABOUT
26 LETTING THIS PERSON KNOW? AND YOU HAD ZERO RECOLLECTION
27 OF HOW YOU CAME TO KNOW THIS INFORMATION?

28 A I BELIEVE THE INDIVIDUALS THAT SHARED THE

1 RECORDING WITH ME WERE THE ONES THAT NOTIFIED ME OF
2 MS. VOGEL.

3 Q BUT YOU'RE NOT SURE?

4 A AS FAR AS I REMEMBER.

5 Q AND SO NOT ONLY DID THEY NOTIFY YOU THAT
6 MR. SMITH WAS SPEAKING TO THIS MS. VOGEL, BUT THEY ALSO
7 PROVIDED YOU HER CONTACT INFORMATION?

8 A YES.

9 Q NOW, BY CHANCE, DO YOU HAPPEN TO RECALL
10 THESE PEOPLE WHO WENT AHEAD AND GAVE YOU THIS
11 INFORMATION? DO YOU RECALL THEIR NAMES, FIRST AND LAST?

12 A YES. HOWEVER, I DON'T FEEL COMFORTABLE
13 SHARING THAT.

14 THE COURT: WELL, SIR, THIS IS A COURT OF LAW
15 HERE. AND UNLESS YOU'VE GOT SOME KIND OF PRIVILEGE,
16 WHICH I DON'T BELIEVE YOU DO BECAUSE YOU'RE NOT AN
17 ATTORNEY OR A THERAPIST OR SOMETHING LIKE THAT, YOU'RE
18 GOING TO HAVE TO DISCLOSE IT OR THE COURT IS GOING TO
19 DEEM YOU AS NOT TESTIFYING IN THIS CASE. BECAUSE HE'S
20 GOT A RIGHT TO CROSS-EXAMINE YOU SO I KNOW THAT YOU
21 MAY --

22 THE RESPONDENT: I UNDERSTAND.

23 THE COURT: I KNOW YOU MAY FEEL UNCOMFORTABLE.
24 THIS WHOLE SITUATION POTENTIALLY PUTS A LOT OF PEOPLE IN
25 UNCOMFORTABLE PLACES. BUT I'M GOING TO ORDER YOU TO
26 ANSWER THE QUESTION.

27 THE WITNESS: I UNDERSTAND. MY APOLOGIES.

28 THE COURT: THAT'S OKAY. YOU DON'T NEED TO

1 APOLOGIZE.

2 THE WITNESS: ALL RIGHT. THE NAMES WERE MEGAN
3 HALL AND LAURA WEVIL.

4 Q BY MR. LEE: AND COULD YOU SPELL THE LAST
5 NAME OF WEVIL, LAURA WEVIL?

6 A I'M TRYING TO REMEMBER. I BELIEVE IT -- IT
7 IS W-E-V-I-L.

8 Q AND WE'LL START WITH MS. MEGAN HALL. WHAT
9 IS YOUR RELATIONSHIP WITH MEGAN HALL?

10 A WE WERE ACQUAINTANCES THROUGH MR. SMITH
11 AROUND 2009, 2010.

12 Q AND FROM 2010 TO 2021, WHAT WAS YOUR
13 RELATIONSHIP LIKE TO MS. MEGAN HALL?

14 A WE WERE FRIENDS ON INSTAGRAM; HOWEVER, WE
15 NEVER COMMUNICATED.

16 Q SO MORE ACQUAINTANCES THAN FRIENDS?

17 A CORRECT.

18 Q NOW, IN TERMS OF LAURA WIVEL, WHAT WAS YOUR
19 RELATIONSHIP WITH MS. WIVEL?

20 A WE WERE CLASSMATES.

21 Q AND FROM WHAT PERIOD OF TIME WERE THE TWO OF
22 YOU CLASSMATES?

23 A 2005, 2006.

24 Q AND AFTER 2006, WHAT WAS YOUR RELATIONSHIP
25 LIKE WITH MS. WIVEL FROM 2006 TO 2021?

26 A ACQUAINTANCES ON INSTAGRAM.

27 Q BUT BY YOUR OWN DEFINITION NOT FRIENDS?

28 A NO.

1 Q AND DO YOU RECALL THE CIRCUMSTANCES WHICH
2 PROMPTED MEGAN HALL -- WELL STRIKE THAT. LET ME ASK YOU
3 THIS.

4 DID THEY APPROACH YOU TOGETHER OR SEPARATELY
5 WITH THE INFORMATION THAT YOU'RE CLAIMING THEY PROVIDED
6 YOU IN TERMS OF MR. SMITH?

7 A SEPARATELY.

8 Q DO YOU RECALL APPROXIMATELY WHEN MS. HALL
9 APPROACHED YOU WITH THIS INFORMATION?

10 A APPROXIMATELY, MARCH OF -- I CAN'T RECALL IF
11 IT WAS '20 OR '21.

12 Q AND TO THE BEST OF YOUR RECOLLECTION, WHAT
13 INFORMATION DID MS. HALL PROVIDE?

14 A SHE PROVIDED THE NOEL RECORDING THAT WAS
15 REFERENCED YESTERDAY.

16 Q AND DID SHE INDICATE WHERE -- HOW SHE
17 OBTAINED IT?

18 A NO.

19 Q DID SHE EXPLAIN WHY SHE WAS GIVING THIS TO
20 YOU?

21 A SHE HAD TOLD ME THAT IT WAS BEING PASSED
22 AROUND.

23 Q SO I'M JUST TRYING TO UNDERSTAND THE
24 TRANSACTION, SO COULD WE JUST BE A LITTLE MORE SPECIFIC?
25 SINCE YOU WERE ACQUAINTANCES ON INSTAGRAM, DID MS. HALL
26 REACH OUT TO YOU VIA MESSAGE ON INSTAGRAM REGARDING THE
27 NOEL RECORDING?

28 A I BELIEVE WE RAN INTO EACH OTHER IN PERSON.

1 Q AND THAT WAS SOME TIME IN MARCH OF 2021,
2 2021?

3 A I BELIEVE SO.

4 Q AND DO YOU HAPPEN TO RECALL WHERE YOU RAN
5 INTO MS. HALL?

6 A I BELIEVE IT WAS A PANERA BREAD.

7 Q AND CITY?

8 A I THINK IT WAS IN JERSEY. I DON'T REMEMBER.

9 Q SO COULD YOU JUST PLEASE WALK US THROUGH HOW
10 THIS OCCURRED? SO YOU'RE STANDING AT PANERA BREAD IN
11 MARCH 2020 OR MARCH OF 2021, AND YOU SEE THIS PERSON WHO
12 IS BARELY AN ACQUAINTANCE AND SHE JUST STARTS DISCLOSING
13 THIS -- COULD YOU JUST EXPLAIN HOW THAT TRANSACTION CAME
14 ABOUT?

15 A WE HAD A CONVERSATION, LIKE NORMAL
16 ACQUAINTANCES. AND BECAUSE OF MY ASSOCIATION WITH
17 MR. SMITH, BECAME A TOPIC OF CONVERSATION, AND IT'S
18 NATURALLY WHERE THE CONVERSATION EVOLVED.

19 Q AND THEN HOW EXACTLY DID YOU OBTAIN A
20 RECORDING?

21 A I DON'T RECALL EXACTLY.

22 Q WELL, OTHER THAN YOUR INSTAGRAM ACCOUNT, DID
23 YOUR ACQUAINTANCE, MS. HALL, HAVE ANY OTHER CONTACT
24 INFORMATION TO DELIVER THE RECORDING TO YOU?

25 A I CAN'T REMEMBER. I CAN'T REMEMBER IF IT
26 WAS ON A FLASH DRIVE OR I CAN'T RECALL.

27 Q SO YOU HAVE ZERO RECOLLECTION OF WHETHER OR
28 NOT YOU RECEIVED A FLASH DRIVE OF THE RECORDING? SO NOW

1 SHE'S JUST WALKING AROUND PANERA BREAD WITH A FLASH
2 DRIVE TO GIVE TO YOU?

3 THE COURT: I'M GOING TO INTERPOSE MY OWN
4 OBJECTION. HE SAID HE DOESN'T RECALL.

5 MR. LEE: UNDERSTOOD. MOVING ON. I APOLOGIZE,
6 YOUR HONOR.

7 THE COURT: DON'T APOLOGIZE.

8 Q BY MR. LEE: AND AS FAR AS THIS INTERACTION
9 AT PANERA BREAD, TO THE BEST OF YOUR RECOLLECTION, DID
10 YOU RECEIVE THE RECORDING AT THE TIME THAT YOU SAW
11 MS. HALL AT THIS PANERA BREAD?

12 A I DON'T RECALL IF WE MET UP AFTER THAT.

13 Q BUT AT SOME POINT IN TIME, YOU RECEIVED THE
14 RECORDING AND, APPROXIMATELY, WHEN DATEWISE, WOULD YOU
15 SAY YOU RECEIVED THE RECORDING?

16 A SOON AFTER I RAN INTO HER.

17 Q AND AS WE'RE SPEAKING ABOUT THE INCIDENT,
18 DOES IT JOG YOUR RECOLLECTION ANY FURTHER AS TO PANERA
19 NOW BETWEEN MARCH OF 2020 AND MARCH OF 2021?

20 A NO.

21 Q NOW, MOVING ON TO MS. WIVEL, SINCE YOU'RE
22 BOTH SEPARATELY WITH APPARENTLY THE SAME INFORMATION OR
23 I APOLOGIZE, WITH THE INFORMATION REGARDING MR. SMITH.
24 WHEN EXACTLY DID MS. WIVEL REACH OUT TO YOU?

25 A I BELIEVE IT WAS A MONTH OR TWO AFTER MY
26 INTERACTION WITH MS. HALL.

27 Q SO THAT WOULD BE APPROXIMATELY APRIL, MAY OF
28 2020 OR MAY OF 2021?

1 A YES.

2 Q AND HOW EXACTLY DID MS. WIVEL REACH OUT TO
3 YOU?

4 A I BELIEVE I RAN INTO HER AT A FUNCTION.

5 Q AND DO YOU RECALL WHAT TYPE OF FUNCTION IT
6 WAS?

7 A I FEEL LIKE IT WAS -- IT COULD HAVE BEEN A
8 CHARITY FUNCTION.

9 Q AND DO YOU RECALL WHETHER OR NOT THIS WAS
10 MORNING, NOON, NIGHT, AS FAR AS THE CHARITY FUNCTION?

11 A MOST LIKELY DURING THE DAY.

12 Q AND DO YOU RECALL AGAIN THE CITY?

13 A I JUST RECALL MY AREA IN NEW JERSEY.

14 Q AND COULD YOU DESCRIBE HOW THE INTERACTION
15 BETWEEN YOURSELF AND MS. WIVEL OCCURRED?

16 A SIMILAR TO MY INTERACTION WITH MS. HALL.

17 Q SO THEN IS IT SAFE TO SAY, YOU TWO MADE
18 SMALL TALK, AND THEN THE -- OR MS. WIVEL BROUGHT UP
19 MR. SMITH, AND THEN WHAT INFORMATION DID SHE PROVIDE YOU
20 REGARDING MR. SMITH?

21 A RELATING TO WHAT?

22 THE COURT: LET ME ASK YOU A QUESTION, COUNSEL.

23 MR. LEE: YES.

24 THE COURT: GO AHEAD AND REASK YOUR QUESTION.

25 Q BY MR. LEE: OH, I'M SORRY, YOUR HONOR.

26 WHAT INFORMATION DID MS. WIVEL GIVE YOU IN
27 REGARDS TO MR. SMITH?

28 A SHE GAVE ME INFORMATION ABOUT THEIR PREVIOUS

1 RELATIONSHIP, THAT I WASN'T AWARE OF AT THE TIME.

2 Q AND DID SHE GIVE YOU ANY OTHER INFORMATION?

3 A I DON'T RECALL.

4 Q AND WHEN I SAY "INFORMATION," I JUST NEED TO
5 SPECIFICALLY REGARDING MR. SMITH [TECHNICAL DIFFICULTY]
6 MS. WIVEL AND MR. SMITH'S APPARENT PRIOR RELATIONSHIP
7 WHICH SHE GIVE YOU OR [TECHNICAL DIFFICULTY] ANY OTHER
8 TYPE OF ANY INFORMATION REGARDING MR. SMITH?

9 A I DON'T RECALL.

10 Q NOW, EARLIER YOUR TESTIMONY, YOU STATED
11 PEOPLE WILL GIVE YOU THE RECORDING. ARE THESE THE ONLY
12 TWO PEOPLE THAT GAVE YOU ANY INFORMATION DURING THAT
13 RELEVANT TIME PERIOD MARCH OF 2020 AND MARCH OF 2021
14 REGARDING MR. SMITH?

15 A THAT I COULD REMEMBER, YES.

16 Q AND TO THE BEST OF YOUR RECOLLECTION OF
17 THESE TWO PEOPLE, ONLY MS. HALL PROVIDED THE RECORDING
18 TO YOU?

19 A YES.

20 Q DID EITHER OF THEM PROVIDE ANYTHING OTHER
21 THAN THE RECORDING AND INFORMATION?

22 A NOT THAT I COULD RECALL.

23 Q AND SO JUST TO BE CLEAR, NO PICTURES,
24 SCREENSHOTS, CONTACT INFORMATION FOR PEOPLE ASSOCIATED
25 WITH MR. SMITH, NOTHING LIKE THAT?

26 A I CAN'T REMEMBER WHICH OR WHOM. I DO
27 REMEMBER ONE OF THEM GIVING ME INFORMATION, THE EMAIL
28 ADDRESS OF MS. VOGEL.

1 Q SO AT THIS POINT IN TIME, MARCH OF 2020 TO
2 MARCH OF 2021, YOU HAVE RECEIVED NOW A RECORDING AND
3 APPARENTLY THE CONTACT INFORMATION FOR MS. VOGEL, BUT
4 YOU DON'T KNOW WHO MS. VOGEL IS AT THIS POINT, DO YOU?

5 A NO.

6 Q WHAT INFORMATION, IF ANYTHING, DO YOU HAVE
7 ABOUT MS. VOGEL AT THIS POINT?

8 A WHEN SHE COMMUNICATED WITH ME IN FEBRUARY
9 OF --

10 Q I'M SORRY, COULD YOU REPEAT THAT?

11 A FEBRUARY 2022.

12 Q SO RIGHT NOW I'M TALKING ABOUT THE TIME
13 PERIOD WHERE YOU FIRST LEARNED FROM MS. HALL ABOUT THE
14 RECORDING, AND APPARENTLY AT THE SAME TIME OR
15 APPROXIMATELY TO THAT TIME PERIOD, LEARNED ABOUT
16 MS. VOGEL'S CONTACT INFORMATION.

17 AT THAT POINT IN TIME, WERE YOU JUST
18 LEARNING THIS ACCORDING TO YOUR TESTIMONY, WHAT DO YOU
19 KNOW ABOUT MS. VOGEL?

20 A JUST THAT SHE WAS TRYING TO COME TO THE
21 COUNTRY.

22 Q AND HOW DID YOU GET THAT INFORMATION?

23 A THAT'S WHEN SHE GAVE ME HER CONTACT
24 INFORMATION.

25 Q BUT YOU DON'T RECALL WHETHER OR NOT IT WAS
26 MS. HALL OR MS. WEVIL THAT GAVE YOU THE CONTACT
27 INFORMATION?

28 A CORRECT.

1 Q NOW, IN TERMS OF YOUR RECOLLECTION,
2 APPROXIMATELY, HOW LONG DID YOU HAVE THIS INFORMATION
3 BEFORE YOU DECIDED TO REACH OUT TO MS. VOGEL?

4 A I DON'T RECALL.

5 Q BUT YOU ARE AWARE, OR AT LEAST YOU DO ADMIT,
6 THAT SHE DID REACH OUT TO HER IN MARCH OF 2021,
7 APPROXIMATELY?

8 A CORRECT.

9 Q AND WE'LL LOOK AT EXHIBIT 31, WHICH WOULD BE
10 LOCATED ON PAGE 62. DO YOU RECALL WRITING THAT
11 MR. SMITH IS A PREDATOR WHO SHOWED A PATTERN OF
12 PSYCHOLOGICAL MANIPULATION?

13 A YEAH.

14 Q AND WHAT WAS THE PURPOSE OF THIS EMAIL?

15 A A WARNING.

16 Q AND WHAT EXACTLY MADE YOU FEEL COMPELLED TO
17 WARN MS. VOGEL?

18 A TO A POTENTIAL -- HER DANGER.

19 Q ACCORDING TO WHOM?

20 A MY HISTORICAL KNOWLEDGE OF MR. SMITH.

21 Q SO BASED ON YOUR OWN OPINION OF WHAT YOU
22 BELIEVE YOU REACHED OUT TO SOMEONE THAT YOU DIDN'T KNOW
23 AND HAD NO SORT OF REASON TO, OTHER THAN TO WARN THEM?

24 THE COURT: COUNSEL, CAN YOU -- I DIDN'T
25 UNDERSTAND YOUR QUESTION. I THINK THE WITNESS DID, BUT
26 I DIDN'T.

27 Q BY MR. LEE: BASED ON YOUR OWN OPINION OF
28 MR. SMITH AS THE ONLY REASON FOR REACHING OUT -- WAS

1 SOMEONE AT THIS POINT IS A STRANGER TO YOU, THAT IS IN
2 FACT THE ONLY REASON WHY YOU DID SO, IN OTHER WORDS TO
3 WARN MS. VOGEL?

4 A CORRECT.

5 Q DID YOU FEEL COMPELLED TO WARN ANYBODY ELSE
6 ABOUT MR. SMITH?

7 A NO.

8 Q ARE YOU FAMILIAR WITH A SANDRA FIGUEROA?

9 A NO.

10 Q AND JUST IN TERMS OF, AGAIN, THIS PARTICULAR
11 CONTENT OF EMAIL, WARNING THAT MR. SMITH IS A PREDATOR,
12 PSYCHOLOGICAL MANIPULATION AND THE LIKE. TO THE BEST OF
13 YOUR KNOWLEDGE, THE ONLY EMAIL YOU SENT OUT WAS TO
14 MS. VOGEL?

15 A CORRECT.

16 Q AND THE ONLY REASON WHY YOU SENT THAT EMAIL
17 OUT TO HER WAS TO WARN HER?

18 A CORRECT.

19 MR. LEE: YOUR HONOR, HOW WOULD THE COURT LIKE TO
20 RECEIVE IMPEACHMENT OR REBUTTAL EVIDENCE?

21 THE COURT: I DON'T KNOW, COUNSEL. I DON'T KNOW
22 WHAT YOU CAN DO, BECAUSE I DON'T HAVE IT. THAT'S WHY I
23 DON'T LIKE COURTCONNECT. I DON'T KNOW HOW YOU'RE
24 PLANNING TO DO THIS.

25 MR. LEE: IN PAST EXPERIENCE, THE COURT WOULD
26 PROVIDE AN EMAIL AND IT WOULD CC THE RESPONDENT AND GET
27 THE DOCUMENT OVER. AND THEN WE PROCEED UNTIL EVERYBODY
28 HAD IT.

1 THE COURT: I DON'T DO THAT IN THIS DEPARTMENT. I
2 DON'T -- BECAUSE WE DON'T KNOW WHAT WE'RE RECEIVING.

3 MR. LEE: UNDERSTOOD. IN THAT CASE --

4 THE COURT: WE CAN MAKE YOU A PRESENTER,
5 POTENTIALLY. AND YOU CAN SHARE IT ON THE SCREEN, IF YOU
6 GOT IT.

7 MR. LEE: THAT'S WHERE I WAS GOING NEXT, BUT,
8 PERHAPS --

9 THE COURT: AND YOU'LL HAVE TO FORGIVE ME BECAUSE
10 I'VE NEVER USED THIS FUNCTION BEFORE, SO I DON'T KNOW
11 ANYTHING ABOUT IT.

12 MR. LEE: OKAY. I'M JUST MAKING SURE.

13 ALL RIGHT. AND THIS SHOULD BE -- COURT ONCE
14 I'M MADE A PRESENTER.

15 THE COURT: OKAY. JOSIE, GO AHEAD AND MAKE HIM A
16 PRESENTER.

17 THE CLERK: IT'S DONE.

18 MR. LEE: THANK YOU.

19 THE CLERK: AND PARTIES HAVE TO TURN ON --

20 THE COURT: EVERYBODY HAS TO TURN ON THEIR CAMERA.

21 MR. COMPTON, DO YOU HAVE A CAMERA ON?

22 THE RESPONDENT: I HAVE TO FIGURE IT OUT.

23 THE COURT: BUT HE CAN SEE US; CORRECT? CAN YOU
24 SEE US?

25 THE RESPONDENT: YES. I CAN SEE YOU. I CAN'T
26 FIGURE OUT MY CAMERA.

27 THE COURT: DOES IT HAVE A LENS ON IT?

28 THE RESPONDENT: YEAH, IT'S AN ELECTRONIC CAMERA.

1 THE COURT: IS THE LENS OFF?

2 THE RESPONDENT: IT'S NOT CONNECTING.

3 THE COURT: OKAY. MR. LEE?

4 MR. COMPTON, DO YOU SEE THIS DOCUMENT?

5 THE RESPONDENT: YES, I SEE THAT.

6 THE COURT: OKAY. MR. LEE, GO AHEAD AND ASK YOUR
7 QUESTIONS. I DON'T SEE IT COMPLETELY, BUT I CAN SEE
8 SOME OF IT.

9 Q BY MR. LEE: I WILL SCROLL UP OR DOWN.

10 MR. COMPTON, CAN YOU LOOK AT THE FROM LINE
11 AND IDENTIFY WHO THIS EMAIL IS FROM?

12 A SWAMPDUST.

13 Q AND COULD YOU LOOK AT THE TWO LINES AND
14 WHO'S THIS EMAIL TO?

15 A TO SANDRA FIGUEROA.

16 Q AND COULD YOU PLEASE READ THE DATE?

17 A JUNE 29, 2021.

18 Q THANK YOU.

19 NOW, I'M GOING TO ENLARGE THE PICTURE A
20 LITTLE BIT MORE AND THEN SCROLL UP FURTHER. COULD YOU
21 PLEASE TAKE A LOOK AT THE ORIGINAL MESSAGE, AND WHAT IS
22 THE DATE ON THE ORIGINAL MESSAGE?

23 A I'M HAVING TROUBLE READING IT.

24 THE COURT: I CAN'T SEE IT EITHER. BECAUSE YOU'VE
25 MAGNIFIED IT AND THE DOCUMENT HAS BECOME --

26 MR. LEE: OH, IS THAT BETTER?

27 THE COURT: YES.

28 THE RESPONDENT: I'M HAVING A HARD TIME READING

1 IT.

2 THE COURT: ARE YOU TALKING ABOUT THE DATE IN THE
3 RIGHT-HAND CORNER?

4 MR. LEE: IT'S IN THE MIDDLE, OR ORIGINAL MESSAGE
5 AND RIGHT UNDER IT SAYS, "WEDNESDAY, MARCH 24, 2021."

6 THE COURT: DO YOU SEE THAT, MR. COMPTON?

7 THE RESPONDENT: YES.

8 THE COURT: OKAY.

9 Q BY MR. LEE: AND THEN I KNOW IT'S DIFFICULT
10 BECAUSE IT'S A PICTURE OF A PAPER THAT HAS BEEN FOLDED.
11 BUT DO YOU SEE THE, "PLEASE BE CAUTIOUS IN DEALING WITH
12 PHILIP SMITH. HE SHOWS A PATTERN OF PSYCHOLOGICAL
13 MANIPULATION?"

14 A YES.

15 Q NOW, AFTER SEEING THIS DOCUMENT, DO YOU
16 RECALL SENDING MESSAGES OUT TO ANYONE OTHER THAN
17 MS. VOGEL?

18 THE COURT: MR. COMPTON, CAN YOU HEAR?

19 THE WITNESS: YES. I ANSWERED "NO."

20 THE COURT: OH, WE DIDN'T HEAR YOU. I'M SORRY.

21 THE WITNESS: I APOLOGIZE.

22 THE COURT: NO, IT'S NOT YOUR FAULT. IT'S THE
23 TECHNOLOGY.

24 SO YOU DON'T RECOGNIZE THIS EMAIL?

25 THE WITNESS: I DO NOT.

26 THE COURT: DID YOU SEND THIS EMAIL? I'M SORRY,
27 WE DIDN'T HEAR YOU, MR. COMPTON.

28 MR. COMPTON, CAN YOU HEAR ME?

1 THE WITNESS: CAN YOU HEAR ME?

2 THE COURT: YOU'RE CUTTING IN AND OUT, APPARENTLY.

3 MY QUESTION WAS DID YOU SEND THIS EMAIL?

4 THE WITNESS: NO. NO.

5 THE COURT: OKAY, THANK YOU.

6 Q BY MR. LEE: NOW, THEN HAVING REVIEWED THE
7 DOCUMENTS, THOUGH, IT DOES APPEAR TO HAVE SENT FROM THE
8 SWAMPDUST@PROTONMAIL.COM. WOULD THAT BE FAIR?

9 A THE IMAGE MAKES IT APPEAR THAT WAY.

10 Q AND, AGAIN, YOU PREVIOUSLY TESTIFIED THAT TO
11 THE BEST OF YOUR KNOWLEDGE, THAT EMAIL ACCOUNT HAD NOT
12 BEEN TAMPERED WITH?

13 A CORRECT.

14 Q AND YOU HAVE EXCLUSIVE USE AND CONTROL OF
15 MANAGEMENT OF THAT ACCOUNT?

16 A CORRECT.

17 Q NOW, THEN, PORTIONS LOOKING AT THE EXHIBITS
18 STARTING WITH 14, AND -- I'M SORRY, 15, WHICH IS ON
19 PAGE 30. DO YOU SEE THE EXHIBIT THAT I'M REFERENCING,
20 MR. COMPTON?

21 A 15 IS THE DROPBOX?

22 Q YES, THAT'S CORRECT.

23 A YES.

24 Q AND WHAT EMAIL ADDRESS IS NEXT TO THE PHILIP
25 SMITH IN THE MIDDLE OF THE EXHIBIT?

26 A SWAMPDUST@PROTONMAIL.COM.

27 Q AND BASED ON YOUR GENERAL UNDERSTANDING OF
28 HOW THE MESSAGE IS STATED, DOESN'T IT APPEAR THAT

1 SWAMPDUST INVITED MR. SMITH TO VIEW A FILE?

2 A THAT'S WHAT THE IMAGE APPEARS.

3 Q NOW, WHEN YOU SAY THE -- THAT IS WHAT THE
4 IMAGE APPEARS, ARE YOU IMPLYING THAT YOU BELIEVE THAT
5 THIS IS SOMEHOW MODIFIED OR OTHERWISE TAMPERED WITH?

6 A TO ME, IT APPEARS THAT WAY.

7 Q HOW SO?

8 A IT'S A SCREENSHOT.

9 Q AND IS THAT THE ONLY BASIS FOR ATTEMPTING TO
10 CHALLENGE ITS AUTHENTICITY?

11 A TO ME, IT FEELS -- IT FEELS LIKE A MODIFIED
12 SCREENSHOT.

13 Q NOW, YOU TESTIFIED EARLIER THAT YOU REALLY
14 HAD NO TECHNICAL EXPERIENCE OR OTHERWISE AND DIDN'T
15 REALLY KNOW, YOU KNOW, TOO MUCH ABOUT DROPBOX EVEN. SO
16 OTHER THAN A FEELING, IS THERE SOME SORT OF TECHNICAL
17 BASIS OR FAMILIARITY WITH DROPBOX IN PARTICULAR THAT
18 WOULD MAKE YOU FEEL AS IF THIS WERE SOMEHOW A MODIFIED
19 SCREENSHOT?

20 A CAN YOU REPEAT THE QUESTION?

21 Q YOU TESTIFIED EARLIER THAT YOU DIDN'T REALLY
22 POSSESS VERY SAVVY TECHNICAL KNOWLEDGE. YOU DENIED
23 HAVING THE ABILITY THAT MR. SMITH TESTIFIED ABOUT
24 PREVIOUSLY, SUCH AS BEING ABLE TO MOVE HIS MOUSE AROUND
25 WHILE HE WAS ON HIS COMPUTER FROM YOUR COMPUTER. AND
26 YOU TESTIFIED PREVIOUSLY THAT YOU WERE NOT FAMILIAR WITH
27 DROPBOX.

28 SO WHAT I'M ASKING SPECIFICALLY IS WHAT IF

1 ANYTHING IS THE BASIS OF YOUR FEELING THAT THIS MAY BE
2 AN ALTERED SCREENSHOT IF YOU'RE NOT FAMILIAR WITH
3 DROPBOX AND YOU DON'T HAVE A WHOLE LOT OF TECHNICAL
4 [TECHNICAL DIFFICULTY]?

5 A IT FEELS MODIFIED.

6 Q AND WOULD THAT BE YOUR POSITION REGARDING
7 THE FOLLOWING EXHIBITS, WHICH ARE ESSENTIALLY THE SAME
8 TYPE OF DROPBOX MESSAGE INDICATING THAT SWAMPDUST,
9 SWAMPDUST SENT AN EMAIL TO MR. SMITH, YOUR POSITION
10 WOULD JUST BE THAT THEY FEEL LIKE ALTERED SCREENSHOTS?

11 A CORRECT.

12 Q BUT YOU CAN ADMIT THAT AT LEAST AS FAR THE
13 IMAGE ITSELF IS REFERENCING THE SWAMPDUST@PROTONMAIL.COM
14 ACCOUNT?

15 A CORRECT.

16 Q AND ACCORDING TO YOU, YOU DID NOT SEND ANY
17 OF THESE; IS THAT CORRECT?

18 A I DID NOT. I DID NOT.

19 Q YES, I HEARD.

20 NOW, IN TERMS OF JUST OVERALL USE OF DROPBOX
21 IN GENERAL, HAVE YOU USED DROPBOX PREVIOUSLY?

22 A I RECALL USING IT AROUND 2010 OR WHENEVER IT
23 WAS NEW.

24 Q BUT NOT REALLY WORKING WITH THAT PARTICULAR
25 APPLICATION MUCH MOVING FORWARD?

26 A NO.

27 Q NOW, HAVE YOU EVER MADE A SOCIAL MEDIA
28 ACCOUNT THAT IS CLOSE IN NAME TO A PREEXISTING BUSINESS,

1 SUCH AS DEMONT GUITARS?

2 A NO.

3 Q AND HAVE YOU EVER MADE A SOCIAL MEDIA
4 ACCOUNT THAT IS CLOSE IN NAME TO A PREEXISTING BUSINESS,
5 SUCH AS GOLDFINCH GUITARS?

6 A NO.

7 Q AND HAVE YOU EVER USED AN ALTERNATIVE
8 ACCOUNT TO POST ANYTHING ANONYMOUSLY, THE PREVIOUS
9 [TECHNICAL DIFFICULTY] BUSINESS SUCH AS DEMONT GUITARS
10 OR GOLDFINCH, SPECIFICALLY?

11 A NO.

12 Q NOW, JUST IN TIME, WOULD YOU SAY THAT AT
13 LEAST THE EMAIL REGARDING MS. VOGEL, WHICH YOU ADMIT TO
14 SENDING OCCURRED BEFORE SEPTEMBER 29, 2021?

15 A CAN YOU REPEAT THE QUESTION?

16 Q THE EMAIL THAT YOU SENT TO MS. VOGEL WARNED
17 HER, WHICH OCCURRED IN MARCH OF 2021. CAN WE AGREE OR
18 DO YOU AGREE, RATHER, THAT THAT WOULD HAVE OCCURRED
19 BEFORE SEPTEMBER 29, 2021?

20 THE COURT: COUNSEL, I'LL AGREE WITH THAT, THAT
21 MARCH HAPPENS BEFORE SEPTEMBER. WHY DON'T WE ASK A
22 QUESTION THAT'S GOING TO LEAD ME SOMEWHERE.

23 Q BY MR. LEE: NOW, IN TERMS OF YOUR EXHIBIT 4
24 IN YOUR RESPONSE, YOU EXPLAIN THAT THIS DATING THAT THE
25 CHARGE BACK WAS THE PETITIONER USING YOUR SOCIAL
26 SECURITY NUMBER FOR HIS NEW BUSINESS. COULD YOU JUST
27 DIRECT MY ATTENTION TO WHERE IN EXHIBIT 4 IT SAYS THAT
28 OR SEEMS TO INDICATE THAT?

1 A THAT WAS ACTUALLY TOLD TO ME BY PAYPAL OVER
2 THE PHONE.

3 THE COURT: COUNSEL, WE HAD TALKED ABOUT THIS
4 YESTERDAY. BECAUSE I HAD ASKED THAT SAME QUESTION, THAT
5 IT DIDN'T APPEAR ON THERE. HE TESTIFIED THAT IT WAS
6 SPOKEN TO HIM.

7 MR. LEE: YES. AND I WAS JUST USING THAT FOR THE
8 SET UP FOR THE NEXT QUESTION, YOUR HONOR.

9 THE COURT: OKAY.

10 Q BY MR. LEE: IN TERMS OF THAT STATEMENT, DO
11 YOU KNOW IF THEY STATED IT WAS YOUR SOCIAL SECURITY
12 NUMBER INDIVIDUALLY OR PERHAPS A BUSINESS EIN?

13 A IT WAS MY SOCIAL SECURITY NUMBER.

14 Q NOW, IN TERMS OF THIS EXHIBIT 4, THE ONLINE
15 ACCOUNT CREATION DATE IS NOVEMBER 14, 2017, DO YOU SEE
16 THAT?

17 A YES.

18 Q AND WHO CREATED THAT ACCOUNT?

19 A I CREATED IT.

20 Q AND AT THE TIME OF THE CREATION, DID YOU USE
21 YOUR SOCIAL SECURITY NUMBER?

22 A YES.

23 Q AND THEN AFTER THE BUSINESS WAS ALL -- WHAT
24 DID YOU DO TO END OR OTHERWISE TERMINATE THE, THIS
25 PARTICULAR PAYPAL ACCOUNT?

26 A SO TO MAKE IT EASIER FOR MR. SMITH TO START
27 A NEW BUSINESS, I OFFERED TO TRANSFER THE EXISTING
28 ACCOUNT OVER TO HIM WITH THE STIPULATION THAT HE REMOVES

1 MY PERSONAL INFORMATION. AND AT THE TIME, AS FAR AS I
2 WAS AWARE, HE DID THAT.

3 Q OKAY. AND THEN FROM 2018 TO 2019, THERE
4 WERE NO ISSUES AS FAR AS YOU RECEIVING NOTIFICATION
5 FROM --

6 A CORRECT.

7 Q NOW, WOULD YOU HAPPEN TO HAVE ANY KNOWLEDGE
8 WHATSOEVER WHY YOUR TELEPHONE NUMBER WOULD AUTOMATICALLY
9 BE LINKED TO THE DEMONT GUITARS ON INSTAGRAM?

10 A NO.

11 THE COURT: COUNSEL, I'M GOING TO BREAK HERE FOR
12 OUR MORNING RECESS. WE'LL BE BACK IN 15 MINUTES, OKAY?

13 AND, COUNSEL, HOW MUCH TIME DO YOU HAVE LEFT
14 BECAUSE I'M LETTING YOU GO OVER A LITTLE BIT?

15 MR. LEE: THAT WOULD BE IT, YOUR HONOR.

16 THE COURT: OKAY, THANK YOU. WE'LL BE BACK IN
17 15 MINUTES.

18 MR. LEE: THANK YOU, YOUR HONOR.

19 THE RESPONDENT: THANK YOU.

20

21 (RECESS.)

22

23 THE COURT: THE COURT'S BACK ON THE RECORD IN
24 MATTER NUMBER 13, 22STRO04032, 32 SMITH VERSUS COMPTON.

25 BOTH PARTIES PRESENT, THEY REMAIN UNDER
26 OATH.

27 COUNSEL FOR THE PETITIONER IS PRESENT.

28 MR. LEE, DID HAVE YOU ANY MORE QUESTIONS?

1 MR. LEE: NO, I HAD NO FURTHER QUESTIONS FOR
2 MR. COMPTON.

3 THE COURT: OKAY, THANK YOU.

4 MR. COMPTON, I WANTED TO ASK ABOUT A COUPLE
5 OF THINGS. NUMBER ONE, YOU SAID THAT YOU FELT GUILTY
6 AND THIS IS WHY YOU WERE SHARING THIS MATERIAL.

7 WHAT DID YOU MEAN BY THAT? WHAT WAS IT --
8 BECAUSE THE COURT IS UNCLEAR ABOUT WHAT MATERIAL YOU'RE
9 SHARING.

10 MR. COMPTON, YOU'RE MUTED SO I CAN'T HEAR
11 YOU. MR. COMPTON, IF YOU CAN HEAR ME, YOUR MICROPHONE
12 IS MUTED. MR. COMPTON, CAN YOU HEAR ME?

13 OKAY. MR. LEE AND MR. SMITH, WE'LL HAVE TO
14 HOLD ON FOR A SECOND UP UNTIL THE TIME WE CAN
15 REESTABLISH CONTACT WITH MR. COMPTON, OKAY?

16 MR. LEE: UNDERSTOOD, YOUR HONOR. THANK YOU.

17

18 (BRIEF INTERRUPTION.)

19

20 THE COURT: MR. COMPTON? MR. LEE, ARE YOU THERE?

21 MR. LEE: YES, YOUR HONOR.

22 THE COURT: THANK YOU. MR. SMITH, ARE YOU THERE?

23 THE PETITIONER: YES, YOUR HONOR.

24 THE COURT: THANK YOU VERY MUCH.

25 SO WE HAD GOT ALL THE PARTIES BACK AND
26 COUNSEL HAS INDICATED HE DOESN'T HAVE ANY MORE
27 QUESTIONS.

28 MR. COMPTON, I NEED TO ASK YOU SOME

1 QUESTIONS. YOU SAID YOU FELT GUILTY AND THAT YOU SHARED
2 THIS MATERIAL. I'M UNCLEAR ABOUT WHAT MATERIAL YOU'RE
3 SHARING. CAN YOU EXPLAIN TO ME WHAT IT WAS THAT YOU
4 SHARED?

5 THE WITNESS: I SHARED THE -- THE SAMPLE CLIP OF
6 THE RECORDING THAT WE TALKED ABOUT WITH NOEL.

7 THE COURT: OKAY. AND ON THE SAMPLE CLIPS, WHAT
8 WAS BEING SAID?

9 THE WITNESS: IT SOUNDED TO BE A VIOLENT ATTACK.

10 THE COURT: OKAY. AND YOU FELT GUILTY HOW?

11 THE WITNESS: I FELT THAT MS. VOGEL WOULD BE IN
12 DANGER, LIKE, SHE WAS BEING MANIPULATED.

13 THE COURT: OKAY. NOW, I WANT TO ASK YOU SOME
14 ADDITIONAL QUESTIONS ABOUT SOME EXHIBITS THAT YOU
15 ATTACHED TO YOUR RESPONSE. SPECIFICALLY, I WANT TO ASK
16 YOU ABOUT THE EMAILS THAT YOU CONTEND WERE SENT BY MR.
17 SMITH, THE GMAIL EMAILS.

18 STARTING WITH EXHIBIT 6, IS THIS AN EMAIL
19 THAT YOU RECEIVED FROM HIM?

20 THE WITNESS: YES.

21 THE COURT: OR FROM -- I SHOULDN'T SAY FROM HIM,
22 BUT FROM PHILIPTHEARTIST?

23 THE WITNESS: YES.

24 THE COURT: OKAY. AND DID YOU KNOW
25 PHILIPTHEARTIST TO BE THE PETITIONER?

26 THE WITNESS: YES.

27 THE COURT: OKAY. AND THAT -- IS THAT THE SAME
28 FOR THE NEXT EXHIBIT, EXHIBIT 7 AND EXHIBIT 8?

1 THE WITNESS: YES.

2 THE COURT: OKAY. AND THEN YOU RECEIVED ANOTHER
3 EMAIL FROM THE SAME EMAIL ADDRESS ON JANUARY 20, 2022?

4 THE WITNESS: CORRECT.

5 THE COURT: OKAY. AND THEN ON 2/20/22, DID YOU
6 RECEIVE THAT EMAIL?

7 THE WITNESS: YES.

8 THE COURT: AND THEN THE 2/22, THE SECOND EMAIL
9 THAT YOU ATTACHED AS EXHIBIT 11, YOU ALSO RECEIVED THAT?

10 THE WITNESS: YES.

11 THE COURT: OKAY. YOU INDICATED THAT THERE WERE
12 -- THERE WAS SOME CONTACT WITH THE SCHOOL THAT YOU
13 WORKED WITH THAT RESULTED IN THEM ASKING YOU TO FILE
14 SOMETHING WITH THE POLICE; IS THAT ACCURATE?

15 THE WITNESS: YES.

16 THE COURT: WAS HE -- WAS -- DID YOU EVER RECEIVE
17 ANY OF THESE CALLS THAT THE UNIVERSITY WAS REFERRING
18 ABOUT OR WERE THESE CALLS THAT THEY SAID WERE BEING
19 RECEIVED BY MR. SMITH?

20 THE WITNESS: THEY TOLD ME THAT THE OFFICE OF
21 HUMAN RESOURCES WAS CONTINUALLY BEING CONTACTED.

22 THE COURT: OKAY. OKAY. THANK YOU.

23 COUNSEL, MR. LEE, DO YOU HAVE ANY QUESTIONS
24 BASED ON MY QUESTIONS?

25 MR. LEE: NO FURTHER QUESTIONS, YOUR HONOR.

26 THE COURT: THANK YOU.

27 AND, MR. SMITH, I WANT TO ASK YOU SOME MORE
28 QUESTIONS AGAIN. DID YOU SEND THESE EMAILS TO THE

1 RESPONDENT, WHICH ARE INCORPORATED IN HIS EXHIBIT 6
2 THROUGH EXHIBIT 11?

3 THE WITNESS: I'VE NEVER RECEIVED IMAGES OF THOSE
4 EXHIBITS. BUT I DID REACH OUT TO HIM [TECHNICAL
5 DIFFICULTY] SWAMPDUST AT VARIOUS TIMES WARNING
6 [TECHNICAL DIFFICULTY]. AND I DID SAY SOMETHING ALONG
7 THE LINES OF SWAMPDUST HAVING A SMALL PENIS.

8 THE COURT: OKAY. DID YOU WRITE SOMETHING TO THE
9 EFFECT OF "COMPTON HAS A LITTLE BABY PENIS THAT DOESN'T
10 MAKE ANYONE CUM."

11 DID YOU WRITE THAT?

12 THE WITNESS: YES, YEAH.

13 THE COURT: OKAY.

14 OKAY. COUNSEL, DO YOU HAVE ANY QUESTIONS
15 FOR YOUR CLIENT BASED ON THAT?

16 MR. LEE: NO, NO FURTHER QUESTIONS.

17 THE COURT: OKAY. THANK YOU.

18 SO, COUNSEL, YOU HAD SOME OTHER WITNESSES
19 AND I WANTED TO FIND OUT, ARE THEY THE WITNESSES THAT
20 HAD PROVIDED THE DECLARATIONS?

21 MR. LEE: THAT'S CORRECT, YOUR HONOR. AND IT
22 WOULD BE OUR INTENTION BASED ON THE TIME LIMITS AND ONLY
23 AT THE COURT'S DISCRETION TO ONLY CALL MR. NATE DEMONT
24 AS AN OFFER OF PROOF. HIS DECLARATION LAYS OUT THAT
25 MR. COMPTON HAD DONE TO DEMONT GUITARS WHAT MR. SMITH IS
26 CURRENTLY ALLEGING IN TERMS OF HACKING AND THE LIKE.

27 BUT MORE SPECIFICALLY TO WHY WE WOULD USE
28 HIS TESTIMONY, AS OPPOSED TO WHAT'S IN HIS DECLARATION,

1 IS HOW HE CAME TO KNOW THAT IT WAS MR. COMPTON BECAUSE
2 HE TOOK STEPS TO TRACE TECHNICAL ASPECTS OF IT. AGAIN,
3 IT'S NOT AS AN OFFER OF PROOF. HE WOULD TESTIFY THROUGH
4 -- WITH MORE SPECIFICITY THAN --

5 THE COURT: NO.

6 MR. LEE: -- IN THIS DECLARATION.

7 THE COURT: I'LL ALLOW HIM TO TESTIFY. JUST SO
8 THAT THE PARTIES KNOW THAT I'M GOING TO INCORPORATE THE
9 DECLARATIONS THAT HAVE BEEN PROVIDED TO THE COURT INTO
10 EVIDENCE AS TO BOTH SIDES. THE ISSUE OF THE, MR. DEMONT
11 TESTIFYING, IS HE ONLINE OR IN A ROOM, JOSIE?

12 THE CLERK: HE'S IN A ROOM.

13 THE COURT: CAN WE BRING HIM IN?

14 THE CLERK: YES. HI, MR. DEMONT, CAN YOU HEAR ME?

15 THE WITNESS: YES.

16 THE COURT: PLEASE LISTEN TO MY JUDICIAL
17 ASSISTANT.

18 THE WITNESS: OKAY.

19 THE CLERK: RAISE YOUR RIGHT HAND, PLEASE.

20 DO YOU SOLEMNLY STATE THE TESTIMONY YOU MAY
21 GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL BE
22 THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH,
23 SO HELP YOU GOD?

24 THE WITNESS: YES, SIR, I DO.

25 THE CLERK: PLEASE STATE YOUR FIRST AND LAST NAME
26 AND SPELL THEM FOR THE RECORD.

27 THE WITNESS: MY FIRST NAME IS NATHANIEL,
28 NATHANIEL, MY LAST NAME IS DEMONT, D-E-M-O-N-T.

1 THE CLERK: THANK YOU.

2 THE COURT: THANK YOU, MR. DEMONT. MY NAME IS
3 JUDGE MICHAEL POWELL. THANK YOU FOR JOINING US TODAY.
4 I'M GOING TO TELL YOU A COUPLE OF RULES. PLEASE FOLLOW
5 THEM.

6 NUMBER ONE, THERE IS A COURT REPORTER THAT
7 TYPES DOWN THESE PROCEEDINGS. IF I'M SPEAKING, PLEASE
8 DON'T SPEAK OVER ME OR THE ATTORNEY BECAUSE THAT FORCES
9 HER TO WRITE DOWN WHAT TWO PEOPLE ARE SAYING
10 SIMULTANEOUSLY, WHICH IS ALMOST AN IMPOSSIBILITY.

11 NUMBER TWO, PLEASE TRY TO CONFINE YOUR
12 ANSWERS TO ANSWERING THE QUESTION ONLY. SO IF IT'S A
13 YES-OR-NO QUESTION, JUST ANSWER YES OR NO. DON'T GO ON
14 A BIG LONG EXPLANATION ABOUT SOMETHING UNLESS IT'S
15 REQUESTED OF YOU, OKAY?

16 OKAY. SIR, ARE YOU IN A ROOM BY YOURSELF?

17 THE WITNESS: YES, I AM.

18 THE COURT: OKAY, THANK YOU.

19 COUNSEL, YOU MAY INQUIRE.

20 MR. LEE: THANK YOU, YOUR HONOR.

21
22 DIRECT EXAMINATION
23 BY MR. LEE:

24 Q MR. DEMONT, COULD YOU PLEASE STATE YOUR
25 OCCUPATION?

26 A I AM A GUITAR [TECHNICAL DIFFICULTY] AND
27 WHERE WE DO SMALL MANUFACTURING IN RETAIL POWER AND
28 MUSICAL INSTRUMENT.

1 Q AND DO YOU KNOW MR. PHILIP SMITH?

2 A YES, I DO.

3 Q AND DO YOU KNOW MR. RYAN COMPTON?

4 A YEAH.

5 Q AND HOW DID YOU MEET THE TWO?

6 A WELL, MR. SMITH, I MET ONLINE MANY YEARS AGO
7 IN A GUITAR FORUM DISCUSSING THE ORIGINS OF AN UNKNOWN
8 GUITAR AND WE JUST BECAME FRIENDS FROM THERE, AND WE'VE
9 KNOWN EACH OTHER FOR A LONG TIME SINCE. MR. COMPTON, I
10 MET THROUGH MR. SMITH. I DO NOT RECALL THE FIRST TIME
11 THAT I TALKED TO MR. COMPTON.

12 Q NOW, IN EVENTS OF THE HEARING, YOU PROVIDED
13 A LETTER THAT WAS SIGNED UNDER PENALTY OF PERJURY
14 REGARDING CERTAIN TRANSACTIONS WITH MR. SMITH AND
15 MR. COMPTON. DO YOU RECALL THAT?

16 A YES.

17 Q AND JUST BRIEFLY, COULD YOU PLEASE DESCRIBE
18 FOR THE COURT WHAT OCCURRED TO YOUR BUSINESS AROUND
19 FEBRUARY OF 2017?

20 A YES. I'LL TRY TO MAKE IT BRIEF, ALTHOUGH
21 THERE'S A LOT OF PARTS TO IT. IN 2017 -- WELL,
22 ACTUALLY, IN 2016 IS WHERE IT WOULD START. MR. SMITH
23 AND MR. COMPTON MADE SOME SORT OF BUSINESS AGREEMENT
24 AMONGST THEMSELVES TO SELL GUITARS. THEY WORKED WITH ME
25 TO PRODUCE THE FIRST OF THOSE INSTRUMENTS. AFTER THAT,
26 THERE WERE SOME ISSUE WITH MR. COMPTON THAT I'M NOT
27 COMPLETELY AWARE OF, SOME FALLING OUT WITH HIM AND
28 MR. SMITH. I'M NOT SURE.

1 BUT HE -- FEBRUARY 21ST, 2017, HE HACKED --
2 WELL, HE ATTEMPTED TO HACK INTO MY PERSONAL FACEBOOK AND
3 OUR INSTAGRAM ACCOUNT FROM A EPN IP ADDRESS LOCATED IN
4 CHICAGO. IT WAS A FAKE INTERNET IP ADDRESS TO TRY TO
5 TRICK THE SERVER THINKING IT WAS SLOW.

6 AROUND THE SAME TIME, HE ALSO HOOKED UP A
7 DOMAIN DEMONTGUITAR.COM, WHICH IS VERY SIMILAR TO OUR
8 DOMAIN, DEMONTGUITARS.COM. AND IN CONJUNCTION, MADE AN
9 INSTAGRAM PAGE CALLED DEMONTGUITAR.COM USING A WEBSITE
10 DEMONTGUITAR.COM. AND THEN WENT ON TO [TECHNICAL
11 DIFFICULTY] TRY TO RECRUIT AS MANY OF OUR FANS AND
12 CUSTOMERS AS POSSIBLE.

13 THAT WEBSITE THEN PURCHASED DEMONTGUITAR.COM
14 THAT IS LISTED ON INSTAGRAM, FORWARDED IT TO A
15 PORNOGRAPHIC WEBSITE. AT THE TIME WHEN I FIRST
16 DISCOVERED THIS, I WASN'T QUITE SURE WHAT WAS GOING ON.
17 INITIALLY, I THOUGHT MAYBE MR. SMITH HAD SOMETHING TO DO
18 WITH IT. AND I CALLED HIM AND HE HAD NOT A CLUE OF WHAT
19 WAS GOING ON. WE TALKED TO RYAN COMPTON AND IT WAS
20 MR. COMPTON.

21 MR. SMITH TALKED TO HIM AND GOT HIM TO STOP
22 -- STOP DOING THAT. I'M STILL NOT CLEAR. I THINK HE
23 WAS ANGRY BECAUSE WE WERE A COUPLE OF MONTHS BEHIND ON
24 ONE OF HIS PROJECTS. I NEVER HAD A CLEAR ANSWER ON
25 THAT. THE INSTAGRAM ACCOUNT DEMONTGUITAR WAS ASSOCIATED
26 WITH MR. COMPTON'S PHONE NUMBER. THESE INSTAGRAM
27 ACCOUNTS ARE ASSOCIATED WITH A PHONE NUMBER AND
28 INSTAGRAM WILL SOMETIMES RECOMMEND CONTACTS THAT ARE IN

1 YOUR PHONE TO ACCOUNTS THAT YOU MIGHT BE INTERESTED IN
2 FOLLOWING.

3 SO I WAS ABLE TO LATER CONFIRM THAT IT WAS
4 MR. COMPTON. AND I CALLED MY ATTORNEY AND LET HIM KNOW
5 WHAT WAS GOING ON AT THE TIME. AND WE BOTH AGREED IT
6 WAS VERY ODD AND I JUST KEPT SOME RECORDS OF IT, MOST OF
7 WHICH I STILL HAD AND FORWARDED IT OVER TO THE COURT,
8 THE -- MORE THINGS DURING THAT SAME TIME. SO THE SAME
9 DAY THAT DEMONTGUITAR WAS REGISTERED --

10 THE COURT: MR. DEMONT? MR. DEMONT, CAN I ASK YOU
11 SOMETHING? IT LOOKS LIKE YOU'RE READING. ARE YOU
12 READING SOMETHING?

13 THE WITNESS: I HAVE MY STATEMENTS IN FRONT OF ME.

14 THE COURT: OKAY. TURN YOUR STATEMENT OFF. I
15 DON'T WANT YOU READING FROM A STATEMENT, OKAY? THANK
16 YOU.

17 I'M GOING TO INTERRUPT HERE BECAUSE I NEED
18 TO ASK THIS QUESTION. YOU SAID THAT YOU DETERMINED IT
19 WAS MR. COMPTON, BUT YOU DIDN'T TELL ME HOW YOU
20 DETERMINED THAT.

21 HOW DID YOU DETERMINE IT WAS HIM?

22 THE WITNESS: THERE'S TWO WAYS. THE FIRST WAS
23 THAT I CALLED MR. SMITH WHO CALLED MR. COMPTON AND
24 MR. COMPTON TOLD MR. SMITH THAT HE WAS DOING THAT. AND
25 SUBSEQUENTLY, MR. SMITH ASKED HIM TO STOP AND HE DID.
26 THE SECOND, WHICH I DIDN'T FIND OUT TILL LATER, WAS THAT
27 THE INSTAGRAM ACCOUNT, WHICH IS ATTACHED TO THE WEBSITE
28 WAS ALSO ATTACHED TO MR. COMPTON'S PERSONAL CELL PHONE

1 NUMBER.

2 THE COURT: OKAY. AND THEN YOU HAVE DOCUMENTS
3 SHOWING THAT?

4 THE WITNESS: I CAN'T RECALL WHICH DOCUMENTS I
5 SUBMITTED. I DIDN'T HAVE THE DOCUMENT SHOWING THAT THE
6 SAME DATE DEMONTGUITAR WAS REGISTERED THROUGH A FAKE
7 INTERNET IP ADDRESS USING A VPN, RYAN COMPTON WAS ALSO
8 REGISTERED USING THE SAME SERVER GODADDY ON THE SAME DAY
9 AND USING THE SAME PRIVATE REGISTRY FEATURES, WHICH ARE
10 [TECHNICAL DIFFICULTY] TO THE PUBLIC.

11 AND JUST AS OF FEBRUARY, HE REWRITES THE
12 THIRD MY DOMAIN -- I'M SORRY, THE DOMAIN,
13 DEMONTGUITAR.COM WITH GOOGLE. AND, LIKEWISE, WITHIN A
14 COUPLE OF DAYS REGISTERED, RYAN COMPTON GOT [TECHNICAL
15 DIFFICULTY] SYMBOLS OVER TO GOOGLE.

16 THE COURT: AND HOW DO YOU KNOW -- HOW DO YOU KNOW
17 IT'S HIM INSTEAD OF SOMEBODY PRETENDING TO BE HIM?

18 THE WITNESS: WELL, YOU CAN ONLY ASSOCIATE YOUR
19 INSTAGRAM ACCOUNT WITH A PERSONAL VERIFIED CELL PHONE
20 NUMBER. AND ONLY PEOPLE WHO ARE IN YOUR CONTACT LIST
21 AND YOU HAVE ALLOWED ACCESS TO INSTAGRAM AND WHO IS
22 ASSOCIATED WITH IT.

23 SO WHEN I LOG INTO INSTAGRAM ON A PHONE FROM
24 MY BUSINESS ACCOUNT, IT WILL SAY HERE'S SOME PEOPLE THAT
25 ARE IN YOUR CONTACTS, WOULD YOU LIKE TO FOLLOW AND THAT
26 WAS ONE OF THE ACCOUNTS.

27 THE COURT: WHICH WAS ONE OF THE ACCOUNTS?

28 THE WITNESS: DEMONTGUITAR. THAT ACCOUNT WAS

1 RECORDED ON INSTAGRAM AND SUBSEQUENTLY REMOVED FROM
2 INSTAGRAM, BUT THAT WAS THE --

3 THE COURT: RIGHT. I UNDERSTAND THAT.

4 BUT WHAT I'M SAYING IS, HOW DO YOU KNOW
5 SOMEBODY ELSE DIDN'T USE DEMONTGUITAR? WHY ARE YOU
6 SPECIFICALLY SAYING IT WAS MR. COMPTON? OR WHAT DID YOU
7 KNOW? AND THE ONLY REASON WHY I'M ASKING THIS IS
8 BECAUSE OBVIOUSLY I'M NEW TO THE SITUATION, SO I'M
9 TRYING TO GET AN EXPLANATION FROM YOU ABOUT THIS THOUGHT
10 PROCESS.

11 THE WITNESS: OF COURSE. YOU CAN ONLY VERIFY AN
12 INSTAGRAM ACCOUNT WITH A PERSONAL CELL PHONE NUMBER. I
13 GUESS IT DOESN'T HAVE TO BE PERSONAL. BUT YOU VERIFY IT
14 WITH YOUR CELL PHONE NUMBER. AND THEN IT REGISTERED TO
15 IT. THE CELL PHONE NUMBER IS NOT VISIBLE TO THE PUBLIC.
16 BUT IF YOU BOTH ALLOW ACCESS TO INSTAGRAM TO YOUR
17 CONTACT LIST, IT WILL RECOMMEND PEOPLE ON YOUR LIST.

18 SO LET'S SAY YOU CREATED AN INSTAGRAM FOR
19 SOME REASON AND YOU CONFIRMED YOUR CELL PHONE NUMBER,
20 THAT SENDS YOU A CODE. YOU TYPE YES AND THEN YOU TYPE
21 IN THE CODE. AND THEN IT WILL SAY, HERE'S A LIST OF
22 SOME FRIENDS YOU MIGHT KNOW. AND IT WILL COME UP WITH
23 ANYONE THAT'S ON YOUR PHONE BOOK CONTACT ADDRESS THAT
24 YOU'VE ALLOWED IT TO CONNECT TO. I HOPE THAT MAKES SOME
25 SENSE.

26 THE COURT: SURE. BUT LET ME ASK YOU THIS. DID
27 YOU EVER RECEIVE ANYTHING SAYING THAT THIS PARTICULAR
28 CONNECTION WAS BECAUSE OF A SPECIFIC NUMBER?

1 THE WITNESS: YES.

2 THE COURT: OKAY. AND DID YOU PROVIDE THAT
3 DOCUMENT TO COUNSEL?

4 THE WITNESS: NO.

5 THE COURT: OKAY. ALL RIGHT. COUNSEL, YOU CAN GO
6 AHEAD.

7 MR. LEE: THANK YOU.

8 Q BY MR. LEE: NOW, INITIALLY YOU VERIFIED
9 THAT YOU [TECHNICAL DIFFICULTY] -- STATED BY SPEAKING TO
10 MR. SMITH; IS THAT CORRECT?

11 A CORRECT.

12 Q NOW, PRIOR TO REACHING OUT TO MR. SMITH
13 BASED ON YOUR STATEMENT TO THE COURT, WHAT TYPE OF
14 INVESTIGATION DID YOU ENGAGE IN TRYING TO FIGURE OUT
15 WHAT WAS GOING ON WITH THE ONLINE ACTIVITY?

16 A I'M TRYING TO RECALL THIS FROM QUITE SOME
17 TIME AGO. BUT I CALLED OUR IT GUY. HE RAN A WHO IS
18 SEARCH -- IS A PUBLIC RECORDS OF WHO OWNS AND REGISTERED
19 THAT DOMAIN AND WHAT COMPANY THEY DID IT THROUGH. IT
20 ALSO SHOWS THE IP ADDRESS THEY REGISTERED THROUGH.

21 MR. COMPTON IS SOMEWHAT OF A SELF-PROCLAIMED
22 HACKER. I USE THAT TERM LIGHTLY. AND SO I CHECK THE IP
23 ADDRESS THAT IT WAS REGISTERED TO IT WAS VPN SERVER. A
24 VPN SERVER OUT OF CHICAGO, WHICH IS OF COURSE NEAR US.
25 A VPN SERVICE MAP IS YOUR TRUE IP ADDRESS. YOU CAN'T
26 SEE WHERE IT'S ACTUALLY COMING FROM.

27 SO THE REGISTRAR SERVICE THAT REGISTERED IT
28 OFFERS A SERVICE THAT ALSO HIDES YOUR PERSONAL

1 INFORMATION. THAT WAS ALSO HIDDEN. ON A COMPLETE
2 CONTRACT CHECK, IF ANYONE OWNS RYANCOMPTON.COM AND IT
3 WAS REGISTERED THE SAME DAY, USING THE VERY SAME SERVER,
4 ALSO THROUGH A PRIVATE REGISTRATION FOR RYANCOMPTON.COM
5 AND DEMONTGUITAR.COM.

6 LIKE I SAID, IT JUST ADDS UP. A FEW DAYS
7 AGO WHEN I WAS DOING A LITTLE MORE RESEARCH TO SEE WHAT
8 I HAD ON THE DOCUMENT, I NOTICED THAT MR. COMPTON MOVED
9 HIS POSTING OVER TO GOOGLE AS EARLY AS -- OR AS LATE AS
10 FEBRUARY. I DON'T RECALL THE EXACT DATE. BUT HE MIGHT
11 [TECHNICAL DIFFICULTY] EMAIL AROUND.

12 Q LET ME STOP YOU RIGHT THERE. THANK YOU.

13 NOW, AT THIS POINT IN TIME WHERE YOU'RE
14 DOING THIS BACKGROUND SEARCH, YOU DON'T HAVE ANYTHING
15 DEFINITIVE TO LINK MR. COMPTON TO ANYTHING AT THIS POINT
16 IN TIME?

17 A NO.

18 Q OKAY. BUT BECAUSE OF THE ACTIVITY THAT YOU
19 SEE, YOU THOUGHT TO REACH OUT TO MR. SMITH, IS THAT WHAT
20 OCCURRED?

21 A CORRECT.

22 Q AND THIS WAS BASED ON A HUNCH BETWEEN THE
23 WAY THE DEMONTGUITAR ACCOUNT AND REGARDING THAT ACCOUNT
24 CAME ABOUT AND THEN BECAUSE OF YOUR OWN PERSONAL
25 INVESTIGATION TO THE RYAN COMPTON ACCOUNT?

26 A YES. MR. COMPTON HAD BEEN UPSET, LIKE I
27 SAID, I THINK BECAUSE WE'RE A LITTLE BEHIND SCHEDULE.
28 AND ACTING A BIT ODD, A LITTLE BIT OFF. AND THAT'S WHY

1 I REACHED OUT TO MR. SMITH.

2 Q SO AT THIS POINT, YOU HAD JUST A STRONG
3 SUSPICION, BUT THE SUSPICION HAS YOU REACH OUT TO
4 MR. SMITH?

5 A YES.

6 Q NOW, DO YOU RECALL THAT CONVERSATION BETWEEN
7 YOURSELF AND MR. SMITH, APPROXIMATELY HOW IT WENT?

8 A YES, I DO. IT WAS PARTIALLY PHONE CALL AND
9 PARTIALLY TEXT. I BELIEVE I TEXTED HIM FIRST AND SAID
10 SOMETHING TO THE EFFECT OF, YOU KNOW, WHAT IS THIS? DID
11 YOU DO THIS? WHAT'S GOING ON? I PROBABLY ACCUSED HIM
12 OF IT INDIRECTLY. AND HE WAS A BIT OFFENDED. I CALLED
13 HIM AND TALKED TO HIM. AND I SAID, WELL, NONE OF THIS
14 MAKES SENSE. AND EITHER HE OR I, I DON'T REMEMBER WHO
15 SUGGESTED CONTACTED RYAN. HE DID THAT AND HE CALLED ME
16 BACK AND HE SAID, YES, IT WAS RYAN. I'M SORRY. I
17 TALKED TO HIM. HE'S GOING TO STOP IT AND TAKE IT DOWN.
18 AT WHICH POINT, HE DID. IT WAS CHANGED BY THE NEXT DAY
19 AS WE -- AND THEN FORWARDED IT TO OUR REAL WEBSITE FOR A
20 CERTAIN PERIOD OF TIME THAT I'M NOT SURE OF.

21 Q SO DO YOU EVER HAVE ANY DIRECT COMMUNICATION
22 WITH MR. COMPTON?

23 A YES.

24 Q IN REGARDS TO THIS TRANSACTION SPECIFICALLY?

25 A NO.

26 Q BUT YOU SPOKE TO MR. SMITH. AND AFTER HE
27 TOLD YOU THAT HE SPOKE TO MR. COMPTON WITHIN THE 24-HOUR
28 PERIOD, EVERYTHING WAS CORRECTED?

1 A CORRECT.

2 Q NOW, YOU MADE A COMMENT EARLIER ABOUT
3 MR. COMPTON BEING A SELF-PROCLAIMED HACKER. COULD YOU
4 PLEASE EXPLAIN WHY YOU USE THAT PHRASING?

5 A YES. I CAN'T RECALL EXACT INSTANCES. BUT
6 HE WAS ALWAYS VERY PROUD OF HIMSELF FOR USING A PCN TO
7 MATCH HIS IP ADDRESS AND SECURE EMAILS. AND, I MEAN,
8 HIGH ENCRYPTION TECHNOLOGY -- IT WASN'T ANYTHING -- I
9 MEAN, IT'S ALL INTERESTING, BUT HE WAS REALLY INTO THAT.

10 Q AND THIS IS FROM INDIVIDUAL CONVERSATIONS
11 YOU HAD DIRECTLY WITH MR. COMPTON OR INTERACTIONS WITH
12 MR. COMPTON?

13 A I REALLY CAN'T RECALL ANY EXACT
14 CONVERSATION.

15 Q BUT YOU CAN RECALL PERSONALLY WITNESSING,
16 YOU KNOW, HIM BEING VERY PROUD OF THIS TYPE OF
17 TECHNOLOGY?

18 A YES.

19 MR. LEE: NO FURTHER QUESTIONS, YOUR HONOR.

20 THE COURT: THANK YOU.

21 MR. COMPTON, DO YOU HAVE ANY QUESTIONS OF
22 THIS WITNESS?

23 THE RESPONDENT: NO, NONE COME TO MIND.

24 THE COURT: OKAY, THANK YOU VERY MUCH.

25 THANK YOU VERY MUCH, MR. DEMONT.

26 MR. LEE, IS THERE ANYTHING ELSE?

27 MR. LEE: NO, YOUR HONOR.

28 THE COURT: OKAY. MR. COMPTON, DO YOU WANT TO

1 STATE ANYTHING ELSE?

2 THE RESPONDENT: NO.

3 THE COURT: OKAY, VERY GOOD.

4 MR. LEE, WOULD YOU LIKE TO MAKE A BRIEF
5 STATEMENT BEFORE THE COURT MAKES ITS DECISION?

6 MR. LEE: WOULD WE LIKE TO DISCUSS THE EXHIBITS
7 ENTERING?

8 THE COURT: YEAH, LET'S DO THAT BECAUSE -- THANK
9 YOU FOR REMINDING ME. THE -- GIVE ME ONE SECOND BECAUSE
10 I NEED TO PULL UP YOUR EXHIBIT LIST.

11 I WANT YOU TO NAME THE EXHIBIT, THE NUMBER
12 OF THE EXHIBIT, AND TELL ME WHAT IT IS. AND WE'LL GO
13 THROUGH THAT IN THAT MANNER.

14 MR. LEE: IT'S IDENTIFIED AS EXHIBIT 2 TO START
15 WITH, THIS IS THE PETER.VAN.ART POST.

16 THE COURT: OKAY. IS THERE -- MR. COMPTON, IS
17 THERE ANY OBJECTION?

18 THE RESPONDENT: NO.

19 THE COURT: OKAY. MR. COMPTON, LET ME YOU ASK
20 THIS. ARE THERE ANY OBJECTIONS TO ANY OF THE EXHIBITS
21 THAT THEY PROFFERED?

22 THE RESPONDENT: NO.

23 THE COURT: SO, COUNSEL, SINCE THERE'S GOING TO BE
24 NO OBJECTIONS, JUST -- I WANT YOU TO LIST EACH EXHIBIT
25 THAT YOU WANT TO ENTER AND WHAT THAT EXHIBIT IS AND HOW
26 MANY PAGES IT IS.

27 MR. LEE: UNDERSTOOD, YOUR HONOR.

28 EXHIBIT 2, PICTURE OF PETER.VAN.ART POST

1 WITH A BITCOIN, ONE PAGE.

2 EXHIBIT 10, PICTURE OF MR. SMITH INBOX, ONE
3 PAGE.

4 EXHIBIT 11, PICTURE OF EMAIL FROM YOUTUBE TO
5 MR. SMITH, ONE PAGE.

6 EXHIBIT 12, EMAIL FROM YOUTUBE TO MR. SMITH
7 WITH MR. COMPTON'S INFORMATION, ONE PAGE.

8 EXHIBIT 13, PICTURE OF MR. SMITH'S LAPTOP
9 SHOWING FAN ARCHIVE COLLECTION, ONE PAGE.

10 EXHIBIT 14, PICTURE OF MR. SMITH'S GMAIL
11 INBOX SHOWING DROPBOX INFORMATION CHANGE, ONE PAGE.

12 EXHIBIT 15, INVITE FROM SWAMPDUST FOR
13 MR. SMITH TO VIEW A FILE THROUGH DROPBOX, ONE PAGE.

14 AND, EXHIBIT 16, INVITE FROM SWAMPDUST FOR
15 MR. SMITH TO VIEW A FILE THROUGH DROPBOX, ONE PAGE.

16 THE COURT: WHAT NUMBER WAS THAT?

17 MR. LEE: 16.

18 THE COURT: THANK YOU.

19 MR. LEE: EXHIBIT 17, ACCOUNT EMAIL ADDRESS
20 RECENTLY CHANGED THROUGH DROPBOX, ONE PAGE.

21 EXHIBIT 18, SWAMPDUST INVITING MR. SMITH TO
22 VIEW A FILE IN DROPBOX, ONE PAGE.

23 EXHIBIT 19, SWAMPDUST INVITING MR. SMITH TO
24 EDIT A FOLDER THROUGH DROPBOX, ONE PAGE.

25 EXHIBIT 21, PETER.VAN.ART INSTAGRAM, ONE
26 PAGE.

27 EXHIBIT 22, KYLE WOKER POST, ONE PAGE.

28 EXHIBIT 24, WOKEKYLE POST, ONE PAGE.

1 EXHIBIT 25, PETER.VAN.ART COMMENT, ONE PAGE.
2 EXHIBIT 28, KYLE WOKER COMMENT ON YOUTUBE,
3 ONE PAGE.

4 EXHIBIT 31, EMAIL FROM SWAMPDUST TO MONA
5 VOGEL, ONE PAGE.

6 THE COURT: 31; CORRECT?

7 MR. LEE: YES, 31.

8 EXHIBIT 34, SCREENSHOT OF PETER.VAN.ART
9 INSTAGRAM PAGE, ONE PAGE.

10 EXHIBIT 35, EMAIL FROM YOUTUBE REGARDING
11 COPYRIGHT, ONE PAGE.

12 EXHIBIT 36, KYLE WOKER -- ON GOLDFINCH
13 GUITARS, ONE PAGE.

14 EXHIBIT 38, PHOTOGRAPH REGARDING SELLING
15 GUITARS FOR HEROIN ONE PAGE.

16 EXHIBIT 39, PETER.VAN.ART COMMENTS ON
17 INSTAGRAM, ONE PAGE.

18 EXHIBIT 42, PETER.VAN.ART COMMENT, INSTAGRAM
19 COMMENT, ONE PAGE.

20 EXHIBIT 44, PETER.VAN.ART'S COMMENTS ON
21 INSTAGRAM, ONE PAGE.

22 EXHIBIT 45, PETER.VAN.ART COMMENT ON
23 INSTAGRAM, ONE PAGE.

24 EXHIBIT 47, OBSCENE MAIL CARD, MAIL TO
25 MR. SMITH, ONE PAGE. I'M SORRY, TWO PAGES. I'M SORRY,
26 THREE PAGES.

27 EXHIBIT 47, THREE PAGES.

28 EXHIBIT 48, PETER.VAN.ART INSTAGRAM

1 COMMENTS, ONE PAGE.

2 AND, YOUR HONOR, WAS THE COURT GOING TO
3 ACCEPT THE SUPPLEMENTAL DECLARATION OF MR. SMITH INTO
4 EVIDENCE AS WELL?

5 THE COURT: YES.

6 MR. LEE: AND NOTHING FURTHER.

7 THE COURT: OKAY, THANK YOU.

8 SO THOSE EXHIBITS WILL BE ADMITTED INTO
9 EVIDENCE BY REFERENCE ONLY. MEANING THE PARTIES MUST
10 HOLD ON TO THE EXHIBITS UNTIL ALL APPELLATE PROCESSES
11 HAVE BEEN COMPLETED.

12

13 (EXHIBITS 2, 10, 11, 12, 13, 14, 15, 16,
14 17, 18, 19, 21, 22, 24, 25, 28, 31, 34, 35,
15 36, 38, 34, 35, 36, 38, 39, 42, 44, 45, 47,
16 AND 48 ARE MARKED AND ADMITTED INTO EVIDENCE.)

17

18 THE COURT: MR. LEE, DID YOU WANT TO MAKE ANY
19 BRIEF COMMENTS BEFORE THE COURT RENDERS ITS OPINION?

20 MR. LEE: WELL, YOUR HONOR, JUST VERY BRIEFLY.
21 RESPONDENT DID ADMIT TO OWNING A CERTAIN EMAIL ACCOUNT
22 THAT IS ASSOCIATED WITH VARIOUS TRANSACTIONS, WHICH
23 PATENTLY CAUSED MY CLIENT TO BE HARASSED AND SUFFER
24 SUBSTANTIAL EMOTIONAL HARM AND DURESS OF HIS INFORMATION
25 BEING PRESENTED TO THE PUBLIC. FALSE INFORMATION TO BE
26 PRESENTED [TECHNICAL DIFFICULTY], LOSS OF BUSINESS FROM
27 A TRANSACTION THAT IS VERY SIMILAR IN SCOPE AND CONTEXT
28 OF WHAT HAPPENED TO DEMONT GUITARS.

1 WE ALL KNOW THAT THERE IS NOT A DIRECT
2 SMOKING GUN, SO TO SPEAK. IT IS VERY TELLING THAT EACH
3 ONE OF THESE INSTANCES WHERE MR. COMPTON WAS CONFRONTED
4 AND DEMONT GUITARS CASE, ITEMS WERE CHANGED. AND IN
5 MR. SMITH'S CASE, THE INFORMATION IS JUST RELEVANT TO
6 AND PART OF TRANSACTIONS SPECIFIC TO MR. COMPTON. IN
7 SUCH A QUESTION AND MANNER THAT WE BELIEVE HE'S
8 DEMONSTRATED BY CLEAR AND CONVINCING EVIDENCE THAT HIS
9 ACTIONS DO ORIGINATE WITH MR. COMPTON.

10 AND WITH THAT, I WILL REST, YOUR HONOR.

11 THE COURT: THANK YOU.

12 MR. COMPTON, WOULD YOU LIKE TO SAY ANYTHING
13 BRIEFLY BEFORE I RENDER MY DECISION?

14 THE RESPONDENT: NO.

15 THE COURT: OKAY, THANK YOU VERY MUCH.

16 THE PETITIONER'S REQUEST OF A CIVIL
17 HARASSMENT RESTRAINING ORDER PURSUANT TO CCP 527.6, THE
18 STANDARD OF PROOF THAT IS PRESCRIBED UNDER CCP 527.6 (I)
19 IS A STANDARD OF CLEAR AND CONVINCING EVIDENCE PURSUANT
20 TO EVIDENCE CODE SECTION 115.

21 CLEAR IS DEFINED AS A LACK OF VAGUENESS OR
22 AMBIGUITY. CONVINCING IS SUBSTANTIAL, SOMETHING THAT'S
23 CONSIDERABLE, A HIGHER PROBABILITY THAN -- EXCUSE ME, A
24 PREPONDERANCE. AND THIS IS DIFFERENT THAN SOMEBODY
25 HAVING A FEELING OR A THOUGHT THAT -- OR A POSSIBILITY
26 OR SUSPICION OF SOMETHING.

27 AND I THINK THERE ARE FACTORS THAT HAVE TO
28 BE PROVEN UNDER 527.6 IN CONJUNCTION WITH THAT STANDARD

1 OF PROOF. THERE HAS TO BE A COURSE OF CONDUCT WITH A
2 CONTINUITY OF PURPOSE.

3 THE COURT FINDS ON ITS FACE, THERE APPEARS
4 TO BE A COURSE OF CONDUCT WITH THE CONTINUITY OF
5 PURPOSE. THE ACT IS KNOWING. THE COURT, I THINK, HAS
6 ENOUGH EVIDENCE TO SAY THAT THIS ACT IS KNOWING. THE
7 COURT BELIEVES THAT BECAUSE IT'S KNOWING, IT'S ALSO
8 WILLFUL. THE FACTS SEEMS TO BE DIRECTED TO A SPECIFIC
9 PARTY TO A CERTAIN EXTENT.

10 AS I INDICATED BEFORE, I DO NOT THINK THAT
11 THERE'S A BASIS FOR A RESTRAINING ORDER UNDER THE CIVIL
12 HARASSMENT STATUTE AS THE OTHER PARTIES LISTED AND THAT
13 THEY WOULD HAVE TO APPLY FOR THEIR OWN. SO THESE ARE
14 JUST THE ITEMS THAT WE'RE TALKING ABOUT IN RELATION TO
15 THE PETITIONER.

16 THE ACT IS INTENDED TO SERIOUSLY HARASS.
17 THE COURT CAN MAKE AN INFERENCE THAT ANY MANIPULATION OF
18 SOMEBODY'S PRIVATE DATA, ET CETERA, WAS INTENDED TO
19 SERIOUSLY HARASS.

20 THE COURT CAN ALSO INFER THAT THERE IS NO
21 LEGITIMATE PURPOSE FOR THESE ACTS IF IN FACT THE COURT
22 BELIEVES THESE ACTS TO BE TRUE.

23 THE COURT SEES ONGOING CONDUCT AND THE COURT
24 CAN MAKE AN INFERENCE THAT THIS -- THERE'S A LIKELIHOOD
25 OF REPETITION. AND THE COURT CAN ALSO MAKE AN INFERENCE
26 THAT THERE IS POTENTIALLY UNLAWFUL HARASSMENT.

27 HOWEVER, THIS IS WHERE THE -- THIS BECOMES A
28 LITTLE BIT MORE PROBLEMATIC, WHICH IS, NUMBER ONE, A

1 REASONABLE PERSON TO SUFFER SUBSTANTIAL DISTRESS AND
2 CAUSE SUBSTANTIAL EMOTIONAL DISTRESS.

3 COUNSEL, YOU ARGUED THAT THERE WAS, BUT I
4 DIDN'T HEAR ANY EVIDENCE THAT THERE WAS AND HOW THAT
5 MANIFESTED ITSELF. WHICH IS A PROBLEM BECAUSE THAT'S
6 ONE OF THE ELEMENTS.

7 MORE SO, GOING TO THE ISSUES OF WHO DID THIS
8 IS PROBLEMATIC. THE ISSUE WHO DID THIS IS RELEVANT TO
9 THIS BECAUSE THE RESPONDENT IS ALLEGED TO HAVE DONE
10 THESE ACTS. AND BY YOUR OWN ARGUMENT, THERE'S NO DIRECT
11 SMOKING GUN IN THIS CASE. I AGREE WITH YOU. AND THAT
12 IS NOT CLEAR AND CONVINCING EVIDENCE.

13 I THINK I WOULD HAVE BEEN MORE COMFORTABLE
14 POTENTIALLY REACHING A DIFFERENT CONCLUSION IF I HAD HAD
15 THE ISSUE OF THE EMOTIONAL DISTRESS SATISFIED TO THE
16 EXTENT THAT 527.6 REQUIRES IT. BUT, ALSO, I WOULD HAVE
17 BEEN MORE SATISFIED IF I HAD THE FOLLOWING. NUMBER ONE,
18 COMPLETE DOCUMENTS OF TRANSACTIONS THAT ARE ALLEGED TO
19 HAVE BEEN MADE. I HAVE A LOT OF SCREENSHOTS. I DON'T
20 KNOW WHY THE ORIGINALS WEREN'T PROVIDED IN THEIR FULL
21 CONTEXT. THINGS ARE CUT OFF, THINGS DON'T HAVE DATES,
22 THINGS LIKE THAT.

23 NUMBER TWO, IS THAT I DON'T KNOW WHY I DON'T
24 HAVE SUBPOENAED DOCUMENTS. THE SUBPOENAED DOCUMENTS
25 FROM THE ISP'S OR FROM THE EMAIL PROVIDERS, ET CETERA,
26 WOULD HAVE GIVEN ME A LITTLE BIT MORE CONFIDENCE ABOUT
27 WHAT I AM SEEING.

28 NUMBER THREE, THE COURT HAS SOME CONCERN

1 ABOUT THE ISSUE RELATED TO THE RESTRAINING ORDER THAT
2 WAS REQUESTED OF ANOTHER PARTY AND NOT MR. COMPTON.

3 I FIND IT HARD TO BELIEVE THAT THIS
4 CONVERSATION -- BECAUSE I WAS LOOKING AT SPECIFICALLY
5 THE DECLARATION OF -- GIVE ME ONE SECOND HERE.

6 IS THE DECLARATION OF MR. DEMONT. AND I
7 NOTICED THAT THIS DECLARATION BY MR. DEMONT STATES THAT
8 IT WAS MADE ON OCTOBER 20TH OF 2021. THIS IS REALLY IN
9 TIME TO WHEN ALL THIS IS HAPPENING. AND I'M SITTING
10 THERE AND SAYING TO MYSELF, WELL, WHY IS THERE A
11 RESTRAINING ORDER AGAINST ANOTHER PARTY IF, IN FACT,
12 THERE'S AN IDEA THAT MR. COMPTON IS THE PERSON BEHIND
13 THIS?

14 AND I HAD ASKED MR. SMITH ABOUT WHY HE
15 DIDN'T FILE AGAINST MR. COMPTON, ESPECIALLY IN THIS
16 SCENARIO, BECAUSE IT SOUNDS LIKE MR. COMPTON, YOU KNOW,
17 WAS THE MASTERMIND OF THE GROUP. AND I USE THE GROUP
18 BASED ON THE DECLARATION TALKING ABOUT THIS GROUP.

19 WHY MR. COMPTON WASN'T FILED ON IN TERMS OF
20 A RESTRAINING ORDER BACK IN 2021. BUT RATHER ANOTHER
21 PERSON WAS. AND HE INDICATED THAT WHILE HE DIDN'T TRULY
22 BELIEVE IT UP UNTIL THE TIME OF RECENTLY IN FEBRUARY OF
23 2022. WELL, THIS DECLARATION OF MR. DEMONT SEEMS LIKE
24 THAT -- THAT'S NOT TRUE. IT DOESN'T SEEM LIKE THAT'S
25 WHEN THAT HAPPENED. IT SEEMS LIKE MR. COMPTON
26 POTENTIALLY WAS SUSPECTED AT ALL TIMES.

27 SO -- AND GOING TO MR. DEMONT'S STATEMENTS,
28 YOU KNOW, I HAVE AN INDEPENDENT PARTY WHO HAD A

1 POTENTIAL BUSINESS DISPUTE WITH MR. COMPTON AND
2 POTENTIALLY WITH MR. SMITH. AND HE'S THE ONE WHO IS
3 VERIFYING ALL THIS INFORMATION. IF HE KNEW THAT
4 MR. COMPTON WAS DOING THIS, I DON'T KNOW WHY HE CALLED
5 MR. SMITH IN RELATION TO THIS. AND MR. SMITH IS THE ONE
6 WHO IS CONFIRMING THIS.

7 THIS IS ALL VERY UNCLEAR. THE REQUIREMENT
8 UNDER 527.6 IS THAT IT BE CLEAR. IT'S VERY UNCLEAR.

9 SO FOR ALL OF THOSE REASONS, I DO NOT THINK
10 THAT THE PETITIONER HAS PROVEN HIS CASE. ANY TEMPORARY
11 RESTRAINING ORDERS IN THIS MATTER IS NOW DISCHARGED AND
12 THIS CASE IS DISMISSED.

13 ANYTHING ELSE, MR. LEE?

14 MR. LEE: NOTHING FURTHER, YOUR HONOR.

15 THE COURT: OKAY. MR. COMPTON, ANYTHING ELSE?

16 THE RESPONDENT: NO.

17 THE COURT: OKAY. THANK YOU VERY MUCH.

18 MR. LEE: THANK YOU.

19 THE COURT: ALL EXHIBITS WERE ADMITTED BY
20 REFERENCE ONLY.

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1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 FOR THE COUNTY OF LOS ANGELES
3 DEPARTMENT ST22 HON. MICHAEL R. POWELL, JUDGE
4

5 PHILIP SMITH,)
6 PETITIONER,)
7 VS.) NO. 22STRO04032
8 RYAN COMPTON,) REPORTER'S
9 RESPONDENT.) CERTIFICATE
10 _____)
11
12

13 I, KIM J. YOKOYAMA, OFFICIAL REPORTER OF THE
14 SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE
15 COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT I DID
16 CORRECTLY REPORT THE PROCEEDINGS CONTAINED HEREIN AND
17 THAT THE FOREGOING PAGES 1 THROUGH 50, INCLUSIVE,
18 COMPRIZE A FULL, TRUE, AND CORRECT TRANSCRIPT OF THE
19 PROCEEDINGS AND TESTIMONY TAKEN IN THE MATTER OF THE
20 ABOVE-ENTITLED CAUSE ON SEPTEMBER 20, 2022.

21
22 DATED THIS 17TH DAY OF NOVEMBER, 2022.
23
24
25
26
27

28 _____
KIM J. YOKOYAMA, CSR NO. 12617
OFFICIAL REPORTER